

HOUSE OF ASSEMBLY

Wednesday, 17 September 2014

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

Parliamentary Committees

ABORIGINAL LANDS PARLIAMENTARY STANDING COMMITTEE: REPORT 2013-14

Mr HUGHES (Giles) (11:03): I move:

That the annual report 2013-14 of the committee be noted.

This is the 10th annual report of the Aboriginal Lands Parliamentary Standing Committee and my first as a member of the committee, having been appointed to the committee after the recent state election. During the year, there have been a lot of changes to the committee, and a significant change to the Aboriginal Lands Parliamentary Standing Committee Act, with the act being amended to remove the Minister for Aboriginal Affairs and Reconciliation as the presiding member, as well as the appointment of new members to the committee after the March election.

In the midst of all these changes, the committee did still endeavour to meet with and discuss the issues of importance with Aboriginal people in their communities, visiting the APY lands during July last year and again in July this year. Having met with and spoken to a number of Aboriginal people during the committee's recent visit to the APY communities of Pipalyatjara, Kalka, Nyapari, Murpatja, Kanypi, Umuwa and Amata, I am starting to get a better appreciation of the complex social, cultural and economic issues that the Aboriginal people face on a daily basis.

During the year, the committee also heard evidence from witnesses from a number of state agency and Aboriginal support organisations, and I thank the people and organisations who provided information to the committee. The committee also finalised its inquiry into the Stolen Generations Reparations Tribunal Bill 2010 and tabled its report in both houses of parliament in November.

I would like to thank all members of the committee for their dedication and hard work. I would also like to acknowledge the commitment and dedication of the previous committee members: the former presiding member and Minister for Aboriginal Affairs and Reconciliation (the Hon. Ian Hunter MLC), the President of the Legislative Council (the Hon. Russell Wortley MLC), the Hon. Lyn Breuer and Ms Gay Thompson for their significant contribution to the committee and the inquiry during the last year.

As always, state and commonwealth agencies provide considerable information which greatly assists the committee with its work, and I thank those agencies for their support and for following up on matters that arise at meetings and at committee hearings.

Finally, I would like to thank all of the Aboriginal people the committee has met over the past year. I appreciate their willingness to discuss their issues and share their stories and knowledge with the committee.

Mr GARDNER (Morialta) (11:06): Can I just indicate that the member for Morphett is a member of the committee in question. He has a very sincere interest in the area, which I am sure all members would be aware of, and he looks forward to the opportunity to speak on it, with the government's assistance.

Debate adjourned on motion of Mr Gardner.

SOCIAL DEVELOPMENT COMMITTEE: SALE AND CONSUMPTION OF ALCOHOL

Ms WORTLEY (Torrens) (11:08): I move:

That the 36th report of the committee, entitled the Sale and Consumption of Alcohol, be noted.

The committee has completed its year-long inquiry into the sale and consumption of alcohol in South Australia. Eighty-two individuals and groups gave evidence about the adequacy and appropriateness

of the Liquor Licensing Act, how it is enforced and whether changes should be introduced to deal with problem drinking and criminal behaviour.

During the second session of the 52nd parliament the committee tabled an interim report on its findings. There is an ongoing debate about alcohol laws and practices in the community. As a substance requiring management beyond free market forces, evidence-based research continually highlights the relevance of alcohol legislation and policy in managing the use and misuse of alcohol. The key aim of the South Australian Liquor Licensing Act is to minimise potential harms associated with alcohol, particularly from its misuse.

The issue for government in setting and enforcing alcohol laws is to balance the available evidence about the negative, social, health and economic cost of alcohol misuse with considerations of: the revenues that it derives; the employment of a substantial workforce, both directly and indirectly employed in the alcohol industry and the tourism sector, particularly given that South Australia has a number of nationally and internationally recognised winegrowing regions; the interests and aspirations of people who consume alcohol responsibly; those who misuse alcohol; and supporting the commercial interests of the alcohol industry.

The committee heard that the act is sometimes interpreted as being complex to understand and to enforce. It is imperative then for licensees, their staff and police who are charged with enforcing the law to have adequate information and training. If they are conversant with the Liquor Licensing Act, regulations and codes, they are in a position to effectively deal with problem patrons.

The committee heard that there are potential difficulties in applying the act and balancing competing needs; on the one hand, ensuring the responsible serving of alcohol and minimising harms that may result from its misuse and, on the other hand, ensuring that the act fulfils the requirement to support the interests of liquor and associated industries.

The Attorney-General announced a review of the act in 2009 to find measures to promote the responsible serving of alcohol and to address alcohol-related crime and antisocial behaviour. As a result, a number of sections of the act were amended; a new offence was created for extensive or disorderly behaviour, including offensive language; police powers were increased; and a range of penalties were increased and, in many, cases doubled. Selling liquor to an intoxicated person or a minor now attracts a maximum penalty of \$20,000 and \$40,000 for a second or subsequent offence.

The committee heard that a general code of practice was introduced in January 2013 to assist licensed venues to minimise risks, such as ensuring that minors are not served alcohol and managing intoxicated and disorderly behaviour. It has increased accountability as licensees now need to have a management plan in place to address risks.

The committee was informed that a late night trading code of practice was introduced in October 2013 to restrict alcohol-related incidences of serious violence and antisocial behaviour. It applies to 20 to 25 licensed premises that remain open after 3am. New measures include the use of metal detectors, high-definition CCTV, drink marshals, as well as an early morning ban on glassware and happy hours.

The committee was told that, by April 2014, SA Police had reported a 25 per cent drop in crime and a 30 per cent drop in alcohol-related hospital admissions, whilst the committee heard evidence of the harms caused when people misuse alcohol, how it presents a continuing challenge for government, the police, the alcohol industry and the wider South Australian community.

The issue for government is whether measures to counteract the negative effects of alcohol should be introduced across the general population or primarily be targeted to those persons who misuse it. The committee heard that there is a lack of consensus in the community about this issue. What it did hear is that preventative approaches and effective community education strategies are the key to changing behaviours.

Building consensus on such a complex and, at times, contentious public health issue is predicated on building a robust evidence base and governments working in partnership with key agencies, individuals and the community in general. In recent times, we have seen positive results of this action in Australia in the area of tobacco use, HIV AIDS, road injuries and childhood immunisation.

The committee heard evidence about the effects of alcohol in foetal alcohol syndrome, and it was interested to hear that the only safe amount during a pregnancy is no alcohol. Drinking alcohol during pregnancy has been associated with a range of adverse outcomes, including miscarriage, premature birth, stillbirth and low birth rate. An unborn child exposed to alcohol in utero is at risk of developing a range of abnormalities. The more a woman drinks during pregnancy the higher the risk to the unborn child. However, it does not appear to be a linear relationship as not all children exposed to high levels of alcohol in utero will be affected or affected to the same degree. The committee was interested to hear that the precautionary approach is to recommend that women abstain from alcohol when planning a pregnancy and during pregnancy.

While the committee heard that alcohol does not cause domestic violence, it was told that it is a risk factor. Alcohol and illicit drug use contribute to unpredictability in perpetrator behaviour and can increase the risk of violence. Information provided to the committee showed that alcohol is a factor in 50 per cent of all partner violence and 73 per cent of physical partner assaults. Two-thirds of domestic violence incidence involving alcohol resulted in the victim sustaining injuries that were more serious and numerous, in comparison to victims of non-alcohol related domestic violence. Of course, not everyone who drinks becomes violent towards their partner. Men who are violent and controlling to their partners when drinking have been shown to be violent when they are sober. Alcohol is more commonly seen as a casual factor, rather than a cause, of abusive behaviour.

The committee heard that there is a need for more research to investigate and understand the association between alcohol misuse and domestic violence. The committee heard evidence about the effects of alcohol and binge drinking and was informed binge drinking is the practice of drinking too much alcohol on a single occasion with the primary intention of becoming intoxicated. A binge drinking episode can occur over a number of hours, several days or even weeks.

The committee heard from numerous witnesses that this practice is now considered to be a major public health issue and a behaviour of concern that can potentially affect all age groups. Committee members were pleased to hear that the range of binge drinking among young people between 14 and 19 years of age had decreased from approximately 46 per cent in 1998 to 39 per cent in 2007.

Currently, most education campaigns focus on short-term consequences such as drink-driving, violence or the embarrassing effects of excessive alcohol. Education campaigns that inform the community about the short and long-term harms of excessive alcohol consumption and safe drinking practices need to be promoted on an ongoing basis.

The committee heard evidence about the minimum drinking age and overwhelmingly heard the view that it should be left at 18 years of age. The committee heard evidence that young people should be encouraged to limit their drinking and should be provided with the fullest possible information about the impact alcohol can have on their developing brain, body and life. Committee members endorsed evidence they heard that showed it is crucial for adults, especially parents and caregivers, to be aware of their own drinking behaviour and present the best possible role models for the young people in their lives.

The committee heard varying evidence about studies conducted at the national level into the economic cost of alcohol, depending on the methodology employed. It was told the misuse of alcohol represents a substantial economic burden to the South Australian community. In addition to the harmful impacts on individuals, families and the community through injury, illness, disease and death, substantial costs are incurred as a result of reduced work productivity and cost to the criminal justice system.

The committee has now completed its substantial inquiry and has put forward 23 recommendations for consideration on the matter. In conclusion, I would like to take this opportunity to thank, from the other place, the presiding member, the Hon. Gerry Kandelaars, as well as the former presiding member, the Hon. Russell Wortley. I would also like to thank the Hon. Kelly Vincent and the Hon. Jing Lee, as well as the Hon. Dennis Hood, a former member of the committee.

From this chamber, I would like to thank Ms Katrine Hildyard and Mr Adrian Pederick, as well as former members of the committee, Ms Frances Bedford, Mr Alan Sibbons, Mr David Pisoni and

the Hon. Dr Bob Such. I would also like to thank the committee secretariat: the secretary, Ms Robyn Schutte, and committee researcher, Ms Carmel O'Connell.

Mr PEDERICK (Hammond) (11:18): I rise today to address the 36th report of the Social Development Committee, entitled the Sale and Consumption of Alcohol, and note that most of this work, in fact pretty well all the inquiry work, was done by the previous committee from the previous parliament. It was my privilege as part of the Social Development Committee with the new members to finalise the report for the parliament. I just want to note the terms of reference that were put down for this inquiry. They state:

That the Social Development Committee inquire into and report on the adequacy and appropriateness of laws and practices relating to the sale and consumption of alcohol and in particular, with respect to—

- Whether those laws and practices need to be modified to better deal with criminal and other antisocial behaviour arising from the consumption of alcohol;
- Strategies that could and should be used to reduce, and deal with, offending arising from the consumption of alcohol;
- The health risks of excessive consumption of alcohol including—
 - (a) binge drinking; and
 - (b) fetal alcohol syndrome;
- The economic cost to South Australia in dealing with the consequences of alcohol abuse;
- The influence of alcohol abuse in domestic violence;
- The appropriateness of the current legal age for consumption of alcohol;
- Any other relevant matters.

It is to be noted that on 24 September 2012 the committee further resolved in a motion of the Hon. Dr Bob Such MP that the terms of reference include an additional term that strategies could and should be used to reduce and deal with offending arising from the consumption of alcohol.

With regard to the executive summary the committee has noted that alcohol occupies a significant place in Australian society. It is consumed by more than 80 per cent of adult Australians in a variety of public and private social situations. Alcohol consumption at social events is an integral part of the Australian culture for many people as a means of socialisation, enjoyment, hospitality and celebration. In some religious denominations it is consumed in ecclesiastical rituals.

Alcohol is a pleasurable part of the lives of many South Australians and when consumed in a responsible manner alcohol is a lawful, socially-acceptable activity that can provide social benefits. The committee heard some interesting submissions, and I quote from the submission given by the Salvation Army:

The consumption of alcohol, when undertaken in a safe and responsible way, can be a pleasurable social activity for many South Australians. We, the Salvation Army, also recognise the hospitality industry, and tourism in general, contribute much to the South Australian economy. However, our work and programs have led us to understand that effective regulation and legislation in this area is necessary, based on clear evidence of the scale and extent of human and societal costs of alcohol misuse...The Salvation Army...supports policy and practices that clearly promote the responsible use of alcohol and minimise the harm resulting from harmful alcohol use, particularly in relation to those most marginalised in society.

A submission also provided to the committee from the South Australian Network of Drug and Alcohol Services (SANDAS) referred to recent announcements in South Australia concerning the sale and distribution of alcohol and the need for adequate legislative instruments to ensure the minimisation of harm. I quote from that submission:

There have been several recent announcements about changing the sale and distribution framework for alcohol, with the desired outcome to influence behaviour, minimise harm and impact on the way our living environment is perceived. These have included new venue types, changes to trading hours and the possibility of selling wine in supermarkets. An accumulation of such events in the alcohol marketplace without a wide ranging examination of the current administrative law governing alcohol, runs the risk of weaker regulation and difficulty in meeting the full intent of state and federal policy of harm minimisation.

The committee also heard that in general alcohol is consumed in a responsible manner and at moderate levels. However, there are instances of people consuming alcohol at levels that increase their risk of alcohol-related injury and developing health problems over the course of their lifetime.

The committee also heard evidence that revealed alcohol-related harm such as dysfunctional drinking, disease, injury violence, antisocial behaviour and family and relationship breakdown is costing the community in both economic and social terms. DrinkWise made a submission to the inquiry talking about the:

...significant ongoing public debate in Australia and other similar countries about the extent to which laws and practices that govern the sale and consumption of alcohol contribute to the burden of problem drinking and its distribution in the community and, to the extent they do contribute, how should they be changed, if at all, and how might those changes be implemented effectively... These on-going debates reflect the reality that there is a lack of consensus both within the health community as well as the broader general public.

Building consensus on complex, contentious public health issues is achievable over time if stakeholders invest in building a robust evidence-base, the best available evidence is made accessible and an inclusive process of discussion and debate is resourced and supported by government working in partnership with other interested parties. We have seen this in action in Australia over tobacco use, HIV/AIDS, road injuries and childhood immunisation for example.

The issue for governments in setting alcohol policy through regulation and public policy mechanisms is to balance the available evidence, the interests and aspirations of people who consume alcohol responsibly with those who misuse alcohol, as well as supporting the commercial interests of the alcohol industry and recognising the benefits to the community in terms of tourism, employment and revenue. The alcohol industry is a significant contributor to the South Australian economy in terms of revenue, as a substantial employer providing a major export item, as well as the role it plays in tourism and regional economic activity.

It was the intention of the Social Development Committee to investigate and seek advice on the effectiveness of laws and practices that govern the sale and consumption of alcohol and, in doing so, reflect the body of evidence-based knowledge to effect positive change where necessary. Whilst the committee heard a substantial amount of evidence about the harm that results from the misuse of alcohol and how it presents a continuing challenge for policymakers, the alcohol industry, the police who are charged with keeping law and order and protecting public safety, and the wider South Australian community, the issue for government is whether measures to counteract the negative effects of alcohol should be introduced across the general population or primarily targeted at those persons who misuse it.

The committee also heard from numerous witnesses that preventative approaches and effective community education strategies are key to addressing the negative impacts of alcohol consumption in the community and in changing behaviours. I note that the submission from the Sammy D Foundation stated:

Consistent, long-term, age-appropriate education campaigns, which are evidence-based and focus on prevention and awareness of the impacts of alcohol consumption, should run hand-in-hand with tougher enforcement and other harm minimisation strategies. These campaigns should tap into social media for wide reach.

In the course of the inquiry, a number of key issues were consistently raised, in submissions received and in oral evidence presented, to target the misuse of alcohol and to effectively respond to health issues, criminal and antisocial behaviour as a consequence of alcohol consumption. They are outlined below and discussed in greater detail in the report:

- alcohol related harm and harm minimisation strategies;
- categories of liquor licences and density of outlets;
- trading hours;
- liquor licensing accords;
- alcohol pricing;
- advertising, marketing and promotion;
- alcohol sales volume data;

- community education and social media strategies; and
- enforcement of existing legislation.

While there are social and economic benefits associated with the sale and consumption of alcohol, there are also a range of potential serious, substantial, long and short-term harms.

The committee was presented with a vast range of evidence, and I thank the previous committee for all their work in regard to this inquiry. I understand some of the members went to Newcastle to look at trading hours, and I really do commend the previous members of the Social Development Committee for all their input into trying to get the right outcome in regard to the sale and distribution of alcohol. I commend all current members of the Social Development Committee for the work they have done in finally presenting this report to the parliament.

Mr GARDNER (Morialta) (11:28): I am pleased to speak on the motion and commend those who have spoken already, particularly the member for Hammond; I think he summarised the situation extremely well. In his contribution, I was particularly drawn to the submission he cited by the Salvation Army, which is available to those reading the *Hansard* or indeed reading the reports to consider. It does in fact identify—and I think the Salvation Army has credibility in presenting this—the particular nexus that we as policymakers and those looking at the area have to consider between the benefits in terms of jobs, in terms of production and in terms of social interaction that alcohol makes a contribution to.

I think of Martin Luther as a Lutheran, and he had some particularly interesting things to say about alcohol being something that relaxed people in social interaction, made it easier for people to be friends and so had significant benefits. The story goes that he had a still in his basement and brewed his own beer. Alcohol certainly has some positive interactions with the community, but the Salvation Army in its submission identifies the negative ones.

This report was useful. In setting it up, the parliament had the support across parties. I think it was inadequate in one significant sense, and what might have been one of the most significant matters is how we change the culture of alcohol use in Australia so that our culture uses alcohol in a healthy way and not one that is focused on binge drinking, violence and the other negative effects of substance misuse.

I had a quick look through the report to refresh my memory from when I saw it originally: it does not look at secondary supply issues, it does not look at the teen drinking culture, which has such a profound effect on the long-term drinking culture and behaviours in the Australian community. I would say that this is urgent.

For those who are new members, last year there was discussion and debate in the parliament on a bill I introduced to deal with the secondary supply of alcohol, which is when adults give alcohol to minors. The government, after initially rejecting it under former minister Hill, last year, under the current health minister, it identified that, while it was not willing to come and support my bill immediately, it was happy for it to be referred to a committee.

I think it was nearly the end of the sitting year when a form of words was suggested that this committee, the report we are looking at now, would consider issues to do with secondary supply and the provision of alcohol to children by adults, but unfortunately due to the vagaries of private members' time in this house that never got to the point of debate, so this committee clearly did not look at this question, and I think that it will need to. I foreshadow that I will look at bringing something back to the parliament in the coming months that might facilitate such consideration, but I will do my colleagues the favour of having a chat to them about it first.

The point I make is that the member for Torrens, in introducing this motion to note the report, spoke at length about things like the late night code, the focus on pubs and clubs, and the interactions that those selling alcohol have with those immediately consuming it. She spoke about how fines for selling liquor to a minor have been increased to \$20,000 or \$40,000 for a second offence. I would submit that, in the long term, this is not where the nexus of the problem exists because it is not in the interest of pubs and clubs to have negative behaviour on their premises. It is not to their benefit. While it happens, in my experience pubs and clubs are grateful for the assistance of the authorities in removing those who do behave in such a way, and training occurs. Certainly it is not perfect, but

in my experience certainly the publicans in Morialta are responsible corporate citizens, and the overwhelming majority of publicans and hoteliers are, and I think everyone who has experience in their electorates would largely agree with that.

However, at the same time, the issue we have is that currently it is lawful: there is nothing to prevent in South Australia an adult giving alcohol to a child. There may be a \$20,000 fine for selling alcohol to a child, but giving alcohol to a 11 or 12 year old is perfectly fine as long as it is done in private premises, whether or not the child's parents have any idea that it is going on, let alone give their permission. That is completely fine.

It is unusual that that is the case in South Australia because South Australia and Western Australia are the only states in which that is the case. New South Wales, Queensland, Tasmania, Victoria and the territories have undertaken law reform in the last 10 years so that secondary supply of alcohol is illegal unless the parents consent. Those who have been here for at least a term would have heard me speak at length on this on a number of occasions. It is a concern because there are significant issues with teens and young people drinking, which are in excess of those when adults drink, due to the development of the brain and the specific opportunity for alcohol to interrupt brain development.

One of the later things that develop in the teenage brain is that aspect that deals with risk-taking behaviours. Risk-taking behaviours are far more likely in a teenage brain and far more likely still in an intoxicated teenage brain. Those risky behaviours can cause short-term health problems and long-term health problems. The longer term health problems involve developmental disorder, long-term brain function problems, potential for alcoholism and, eventually, relationship breakdowns and suicide. These are attached to drinking early, and the statistics bear this out.

What I think is critical to understand is that in Australia we have a very high number of young people drinking not just before the age of 18 but before the age of 15 and before the age of 12. The Australian Institute of Health and Welfare's national household survey of drug and alcohol misuse, for example, finds shocking statistics. I think we learned last year that something like three students in the average year 6 class are now given the opportunity to drink on a monthly basis. I am sure that when we further debate this those detailed statistics, rather than numbers called from memory, might be at hand.

How we deal with the culture of children being introduced to alcohol is significant. This report does deal to some extent with issues related to education, which is part of the culture. It is not just a matter of using the big stick of the law. I note that recommendation 17 states:

The Committee recommends that:

- Education programs be developed specifically to inform people about the short term and long term impacts of binge drinking, pre loading and the consumption of alcohol with other substances;
- The Minister for Education and Child Development consider the appropriateness of implementing appropriately targeted, alcohol education programs in the primary school curriculum. These would complement programs already available to secondary school students; and
- Educational material be developed that promotes prevention, awareness, harm minimisation and the responsible use of alcohol through digital platforms such as the internet, social media and smartphones.

That is important because of some of the materials that the government has at the moment. I invite any member interested to look at the instructions for parents on how to host a teen party that are available on government websites, giving parents hints and tips on how to go out and buy alcohol for the kids and the kids who are being brought to the party. Clearly, some work needs to be done because those materials are utterly inappropriate at the moment. There is a sincere gap in this area, so I am glad that recommendation 17 is there. I think it will be positive, and I hope that the government will take it seriously by developing those new materials and increasing their availability.

I also direct them to give consideration to the way that education campaigns are run in the community. The best alcohol education campaign I have seen run in this country was one run by DrinkWise which identified the way that drinking culture is passed from parents to children. That is something that needs to be addressed because to change long-term culture we have to deal with

the children and encourage them to understand that alcohol misuse is not okay, and that also involves a conversation with the parents. I commend the motion to the house.

Ms BEDFORD (Florey) (11:38): As one of the original members of the Social Development Committee at the time we took up this reference, I would like to reassure the member for Morialta that all the things he has talked about were taken in evidence. I am not sure why the final report does not highlight every single aspect of binge drinking and drinking by young people, but there was quite a bit in the speech the member for Torrens has just given. There was quite a lot of evidence, and the committee definitely took all those things into account—secondary supply, the teenage culture, the use of technology in finding out where parties and drinks are available; all those sorts of things were definitely covered.

I can assure you it is something that was very close to the heart of both Dennis Hood and myself from the very beginning of our time on the Social Development Committee four years ago. I would also like to acknowledge Bob Such and his work during the entire time of the reference. Bob, as we all know, is very thorough in everything he looks into, and his contribution to the reference was enormous. I would also like to put on record my thanks to our research officer, who did such a—

The SPEAKER: The member for Fisher.

Ms BEDFORD: I called him what?

An honourable member interjecting:

Ms BEDFORD: I called him Bob. The member for Fisher—you are quite right. I was just being very careful not to call him 'the member for Such' or 'Bob'. In any case, his work was very important to the committee and he had a great deal to contribute to the reference. I would also like to thank the committee for finalising the report, and I do regret that I was not part of the committee at that stage.

Mr PENGILLY (Finniss) (11:40): I will make a brief contribution. I support the motion and congratulate the committee on their work. My concern is that, probably in 100 years' time, whoever is here on whatever the committee is called then will be discussing the same thing. The issue of alcohol and its consumption and sale is highly topical. The young people of today, along with all age groups, have alcohol sales and consumption rammed down their throats regularly, whether it be on television or in the newspapers or magazines, or on the internet or whatever. So, it is not going to go away.

I have great concern. My wife and I have three adult children. We went through the first stages of alcohol consumption with each of them, when they all got fairly untidy at different stages and learnt some fairly valuable lessons, which I might add their father had done at the same age as well. However, in my view, it is this parliament's role through that committee to have a look at these things and to work out where we are going.

We have debated in this chamber on more than one occasion issues to do with alcohol consumption and licensing hours, and of course the hotel industry and bar industry are big employers and a big part of the economy of South Australia. In my contribution I would only point out that I think the issues to do with alcohol are large, but the issues to do with drugs—particularly methamphetamines, ice and everything else that is going around at the moment—are possibly, to some extent, larger than alcohol, particularly in terms of long-term outcomes. I am not sure because I do not have the figures on that, so I cannot hypothesise on it.

I am dreadfully concerned over what happens with the consumption of both, but just lately I have had evidence given to me on what is going on with the sale and use of ice (particularly methamphetamines) in my electorate, and it frightens the daylights out of me. What particularly worries me is that younger girls—and boys but, from what I hear, it is particularly young girls as young as 12 or 13—are using these drugs to lose weight. I think that, with the combination of being given the opportunity to imbibe in alcohol—highly illegally, I might add, as it is with the drugs—is a cause for great concern. The potential outcome for the state of South Australia, and indeed the rest of Australia and probably the world, in terms of the long-term effect is frightening.

I congratulate the committee on its work. The member for Fisher has been mentioned and, along with everyone else, we wish his return to health, but he is a passionate advocate when he gets

his teeth into things like this and he does not hold back. When he returns, we look forward to his contribution. With those few words, I support the motion.

Motion carried.

PUBLIC WORKS COMMITTEE: HAPPY VALLEY OUTFALL CHANNEL UPGRADE PROJECT

Ms DIGANCE (Elder) (11:44): I move:

That the 505th report of the committee, entitled Happy Valley Outfall Channel Upgrade Project, be noted.

The channel is currently in need of an upgrade to address key ongoing public safety risks: potential bank collapse and property flooding. It also requires an upgrade to meet the Australian National Committee on Large Dams guidelines on dam safety and management, as the channel acts as a dam spillway.

The upgrade will address this, providing a suitable capacity for a one in 100 year flood event. The project will include the lining of up to 350 metres of the 500 metre long channel with reinforced concrete where erosion has occurred from the base of the channel to a height of around two metres. The channel is six metres deep in all. The remaining unlined channel will allow for slowed free-flowing water to naturally enter the adjacent wetlands.

Other options were considered for management of the channel; however, this is the most cost-effective option and the option supported by the local community focus group, the local council and other state governments. This option addresses the community's concern regarding safety around the channel and potential future flooding of private property as well as the needs of the local natural environment.

The total cost of the works is estimated to be \$5.76 million GST exclusive, including project development and contingency costs. The cost of the project is included in SA Water's capital plan and, as such, there will be no impact on the current regulatory budget. There will also be no change to the recurrent cost of the channel's operation as a result of the upgrade. The project is expected to achieve practical completion in December 2014 in time for next year's winter rains. Given this, and pursuant to section 12C of the Parliamentary Committees Act 1991, the Public Works Committee reports to parliament that it recommends the proposed public works.

Mr PENGILLY (Finniss) (11:46): The opposition supports the project and has very little to add to the discussion. Once again, it was agreed with bipartisan support through the committee that we get on with the project, and with those few words I resume my seat.

Motion carried.

Motions

REGIONAL IMPACT ASSESSMENT STATEMENTS

Adjourned debate on motion of Mr Griffiths:

That this house—

- (a) supports the referral to the Economic and Finance Committee of all regional impact assessment statements, with the ability to call witnesses, and
- (b) urges the Minister for Regional Development to ensure the state government—
 - (i) guarantees full compliance by all state government departments, agencies and statutory authorities of the regional impact assessment statement policy and process to ensure the government undertakes effective consultation with regional communities before decisions which impact community services and standards are implemented; and
 - (ii) makes public the results of all regional impact assessment statements undertaken prior to any change to a service or services in regional South Australia.

(Continued from 6 August 2014.)

The Hon. G.G. BROCK (Frome—Minister for Regional Development, Minister for Local Government) (11:47): I would like to move an amendment to this motion by the member for Goyder, as follows:

Delete paragraph (a) and amend paragraph (b).

The amended motion would then read:

That this house notes the Minister for Regional Development in conjunction with the state government—

- (i) requires full compliance by all state government departments, agencies and statutory authorities of the regional impact assessment statement policy and process to ensure the government undertakes effective consultation with regional communities before decisions which impact community services and standards are implemented; and
- (ii) makes public the results of all regional impact assessment statements as soon as practical having regard to cabinet confidentiality.

The DEPUTY SPEAKER: Before we go on could the minister supply a copy of that to the table.

The Hon. G.G. BROCK: The Regional Impact Assessment Policy and Guidelines were launched in July 2003 as part of the broader commitment to ensure that regional impacts and issues are considered in government decision-making processes. This policy requires that when a significant change in services is proposed the proponent must give detailed consideration to regional impacts before implementation that can be both negative and positive. The government opposes part (a) of the motion put by the member for Goyder. There would be no additional benefit obtained from expanding the processes for a regional impact assessment statement to include referring the statement to the Economic and Finance Committee. Such referral would only add to the length of time taken to initiate, assess, consult, analyse and report on a proposal. Regional impact assessment statements are already subject to in-depth consultation and communication with the regional community or communities that may be affected by any proposal.

The regional community represents, after all, the people who should be provided the greatest opportunity to subject government proposals to scrutiny. Parliament itself is already able to scrutinise government decisions and programs by means such as question time, estimates committees and tabling of agency annual reports. Individual members of parliament whose electorate is within the regional community covered by a regional impact assessment statement would be consulted as part of the consultation process.

Should it wish to do so, this house can refer any particular matter of public sector operation or service delivery to the Economic and Finance Committee and the committee can look into such matters on their own motion. There is, therefore, no need to refer every regional impact assessment statement to the committee. It can choose to examine these matters for itself. In summary, there is no case for routinely referring regional impact assessment statements to the Economic and Finance Committee and this part of the motion is opposed.

With regard to the honourable member's motion, government departments are already required to comply with the regional impact assessment statement policy. This is also part of my agreement with the Premier, as has been tabled in this house previously. Agency chief executives are responsible for ensuring there is a process in place to identify when a significant change is proposed that will trigger the preparation of a regional impact assessment statement. This policy is in addition to the requirement that cabinet submissions consider and include comment of the regional impacts of any proposed decisions. A regional impact assessment statement can be initiated in a number of ways, including:

- a departmental officer advising a chief executive that a proposal will have a significant impact and, therefore, the regional impact assessment statement is necessary;
- a chief executive of a department requests a regional impact assessment statement be prepared; or
- a minister requests that a regional impact assessment statement be prepared.

In addition, Regions SA, a division of PIRSA, may advise an agency that a regional impact assessment statement should be prepared. In that case, Regions SA will advise the Minister for Regional Development that it has recommended an agency prepare a regional impact assessment statement and the Minister for Regional Development will write to the relevant minister or ministers to inform them of that recommendation. Agency chief executives have been reminded of the

importance of regional impact assessment statements and the continuing requirement for their preparation.

In addition, regional impact assessment statements are required to include consultation and communication with the regional community affected by the proposed implementation of any significant change to a service or services, in line with government engagement principles. The regional community that may be affected by a significant change is consulted and communicated with throughout their process and is advised of the outcome of the consultation in a timely fashion. All completed regional impact assessment statements are published on the Regions SA website and are therefore accessible to all.

I have spoken to the shadow minister and we all need for the government to be as transparent as possible but, certainly, I would encourage this house to support this amendment.

Mr GRIFFITHS (Goyder) (11:53): I appreciate the minister's putting forward that amendment and the opportunity to have some discussion with him about it. It is not the ideal solution for me, which was a direct referral back to the Economic and Finance Committee. It is true that the committee can choose to do so but it relies on a vote that we cannot win—unless we get your support continuously for that.

The committee can, of course, make that decision itself, but I have been on the Economic and Finance Committee and, with the 4:3 number, government and opposition, it does not always happen when a direct request for an investigation occurs. I appreciate that the minister has put an emphasis on this in his discussions on it. I think it was rather frustrating for the minister when I asked him a question in estimates about the number of regional impact assessment scheme reports undertaken in 2013-14, and there were none.

The Hon. G.G. Brock: That was before my time.

Mr GRIFFITHS: Yes, the minister notes before his time, and I acknowledge that also, and that he has continually talked about this since. I suppose on the basis of that, in the desire to have an opportunity to win a vote, even in an amended form, I am prepared to indicate that the opposition and I will accept that, but keep a close eye on it, minister, I think it is fair to say. I indicate that the opposition is prepared to accept the amendment at this stage.

Amendment carried; motion as amended carried.

Parliamentary Committees

SELECT COMMITTEE ON A REVIEW OF THE RETIREMENT VILLAGES ACT 1987

Adjourned debate on motion of Dr McFetridge:

That the report of the committee be noted.

(Continued from 2 July 2014.)

Mr KNOLL (Schubert) (11:56): I think this speech will be a speech in three parts, after my fantastic three-minute contribution about two to three months ago. I would like to move on to some of the committee findings in the report and give my opinion on them. I would like to highlight in the committee findings overview a paragraph that I found quite telling, and that is:

It was clear to the Committee that the majority of issues arose from a lack of clarity in residence contracts and an insufficient understanding by both residents and their family members, of the contractual arrangements which were being entered into.

The Committee received numerous submissions that the complexity in length of retirement village contracts made it difficult for residents and prospective residents to understand these agreements.

The recommendations I found overall to be very sensible. In my previous life, having looked at 50, 60, 70 retail leases, a lot of what is talked about here has parallels with the commercial leases act, and in that light a lot of them are extremely sensible.

Recommendation 4 talks about introducing a standard disclosure document, and this is, again, very sensible and some of it has existed within the commercial leases act for a long time and is something that many small business operators, when entering into a lease, use to give themselves

a summary of the important information that is contained in often a long and legalistic document. That is a recommendation that I think is extremely important and something that is very worthwhile to pursue. Recommendation 5 states:

...an administering authority must continue to provide a prospective resident with a premises condition report as part of entering into a resident's contract.

More information in this area, I think, helps to make better decisions. Given that we are talking about people at a different stage of life—and there are sensitivities around that—more information and clearer information is extremely important, so recommendation 5 is quite laudable. I will move on to recommendation 10, which states:

That a unique 'retirement village' CPI be developed.

Increases of recurrent charges above this percentage should be approved by residents.

Again, this is about better, clearer and more accurate information that would more accurately reflect the cost of those who are otherwise locked into long-term contracts. For those who do not have the flexibility to be able to just move from retirement village to retirement village, we need mechanisms by which those residents can be protected from unfair increases in cost, so I think the recommendation on that basis is extremely worthwhile. Recommendation 11 states:

That guidelines are developed through consultation with stake-holders...as to what are reasonable actions in various circumstances.

Again, this is a broad motion about consultation which I think is very worthwhile and something which should be looked at. Recommendation 12 states:

That the Act be amended to provide greater transparency in relation to management fees or head office costs charged to a village.

The recommendation goes on to say other things, but, again, this is common practice within the commercial leases act. Again, in this case greater transparency in relation to the way fees are charged would be very much a good thing. Deputy Speaker, I seek leave to continue my remarks at some indeterminate time and date.

Leave granted; debate adjourned.

Members

MEMBER'S LEAVE

The Hon. J.W. WEATHERILL (Cheltenham—Premier) (12:00): I move:

That three months' leave of absence be granted to the member for Fisher, Hon. R.B. Such, on account of ill health.

I had the opportunity to visit Mr Such on Monday evening, and he asked me to make this request of the parliament. Mr Such is, of course, battling a serious illness, and it was pleasing to see that he was still waging that battle in a very determined fashion. I certainly wish him and his wife well in what must be a very difficult time for their family. He has made this request of the house, and I commend it to the house.

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (12:01): I indicate on behalf of the opposition that similarly we understand that the request has been forthcoming from the member for Fisher, and we support the Premier's motion to allow for a further three months' leave from the parliament without the consequences that would otherwise flow. I would certainly hope that this will be supported by the two Independents in the house so that it will be completely unanimous for this to pass. We join the Premier in wishing Mr Such a full and prompt recovery.

Motion carried.

Bills

COMMISSIONER FOR KANGAROO ISLAND BILL

Committee Stage

In committee.

(Continued from 16 September 2014.)

Clause 3.

The CHAIR: We are looking to the member for Goyder to see his intention regarding the consequences of a negative vote last evening.

Mr GRIFFITHS: I did flag in the earlier debate that the first seven amendments are consequential upon the success of the first, and four of those are included in clause 3. In recognition of the fact that a division was held and the vote was lost, I will not pursue those, but I think that it is quite relevant for me, and others who might choose to, to put on record the level of frustration and the reason we have proposed these amendments (because they are still subject to some later on if we want to pursue them); that is, we have grave concerns about the impact upon local government.

The minister certainly provided a lot of comment late yesterday about directions, financial impacts and things like that. We do believe that there is a direction opportunity from the creation of the management plan which determines how things will be undertaken and which can control the decisions that are made by other groups. That is why we have raised this concern and spoken to it at quite some length.

The member for Finniss has asked me to give him the opportunity to outline his concerns he as the local member has as to why this occurs. I put on the record that I will not be pursuing the other three amendments that are contained within this clause, but I know that others wish to speak to the issue within this clause area.

Mr PENGILLY: I am greatly concerned over the fact that the local government sector, or the local council, has been left included in this bill. Local government has a long and proud history on Kangaroo Island. It formerly had two councils, the Dudley District Council and the Kingscote District Council, and I was a member of both at different times. Then I was involved in the formation of the Kangaroo Island Council; indeed, as I indicated, I came into this place as mayor but lost that position, of course, as soon as I was elected here.

I am also disappointed that, despite speaking to the local government minister right here, saying that I wanted to speak to him about this bill, he never gave me the courtesy of discussing it. That greatly disappointed me. He knows that I spoke to him right here.

Further to that, what worries me is that over the last few years the Kangaroo Island Council has been totally, absolutely and completely dysfunctional. It was so at an administrative level, and that happened six or seven years ago. I think it is in a better shape now administratively, but at the elected member level it is completely, totally and absolutely dysfunctional. No-one seems to want to hear about it. I have sat there and observed, and just recently I have had businesses speak to me telling me that they are not getting paid on time, that the council has been slow in paying.

The Hon. J.R. RAU: Madam Chair, I want to raise a matter here. Leaving aside the oddity of someone who is protesting about what they say is an attack on local government turning around, in the next breath, and criticising the same local government agency for being incompetent, the purpose of the debate today is clause 3. It is not an opportunity for the member for Finniss to participate in some form of electioneering in respect of the current local government elections. So—

Mr Pengilly: This is a smokescreen.

The Hon. J.R. RAU: What you are doing?

Mr Pengilly: No; what you are doing.

The CHAIR: Order! Minister.

The Hon. J.R. RAU: We have had the conversation about this several times already. The member for Finniss has made his views clear multiple times in the last day or so, and for as long as I can recall before that. This is repetitive and is not pertinent to what we are dealing with.

The CHAIR: We have asked the member for Finniss to remain on task, which is clause 3. We have asked him not to continue along this line. We can only ask him to desist and move on.

Mr PENGILLY: Madam Chair, the point that I make—

The CHAIR: We can only ask you to do that. If you do not wish to do that we will have to look at a way to make sure that we do move on.

Mr PENGILLY: It seems to me as though there is a wall being put up so that we cannot debate this issue. I am absolutely concerned that in the future, with the appointment of such a commissioner, the local government on Kangaroo Island will have this impediment hanging over it. That is my point. If you think I am local government electioneering you are completely wrong—

The CHAIR: What we are actually saying is that it is not relevant to the debate so we will ask you, if you have nothing relevant to add to the debate, to sit down and we will continue. This is not the time to raise what you are raising; that is what I am being told. We need to move on.

Mr PENGILLY: You can have it now, Madam Chair, or you can have it at another time, but it will come out, I can tell you that, and you might not like it when it comes out—

The CHAIR: That is right, exactly. All we are saying is that it is not relevant to the moment.

Mr GRIFFITHS: I point out that under the interpretation of state authority, clause 3(c) does say 'a council'. I think that is where there is an opportunity for a direct relationship back.

The Hon. J.R. RAU: Madam Chair, yesterday we had a lengthy debate about clause 1 relating to the member for Goyder's amendment. That was, as he indicated to the parliament quite properly, I think, at the time of that debate, in substance and in every material respect identical to every other one of his amendments, save and except amendment No. 8. We had a conversation about that and, in the context of that conversation, the member for Goyder even said, 'I accept that the vote on this matter will in effect dispose of the other matters. They either all get up or, if this one goes down, I accept the other ones can't be proceeded with but I still have No. 8 to deal with.'

Mr GARDNER: Point of order—

The Hon. J.R. RAU: Hang on—

Mr GARDNER: I am not sure what is going on here—

The Hon. J.R. RAU: I am taking a point of order. You cannot take a point of order on a person who is taking a point of order until they finish taking the point of order.

The CHAIR: Order! You will be granted the same right to be heard in silence—

Mr Gardner interjecting:

The CHAIR: —when it is your turn.

Mr GARDNER: There is a standing order relating to the taking of points of order and the Deputy Premier is not complying with it.

The CHAIR: We will see. As the senior law officer of the state, I am sure he would not lead us all astray, would he.

Mr Gardner: Maybe he can quote it.

The CHAIR: Order!

The Hon. J.R. RAU: My point is, Madam Chair, the parliament yesterday debated clause 3 on the understanding, from everyone's point of view, as the *Hansard* will tell you and as the member for Goyder made quite clear, that that was the conversation about clause 3 and local government. We did all of that yesterday. Now, we are going through this completely otiose operation of having the same debate all over again, presumably another six times until we get to No. 7. That is contrary to the understanding of the parliament yesterday. This issue has been debated on the undertaking of the member for Goyder, and this matter—unsatisfactorily, no doubt, from his point of view—has been resolved in the negative.

Mr GARDNER: Point of order.

The CHAIR: The member for Morialta has a point of order.

Mr GARDNER: Standing order 134 is the point of order and I would just identify that the Deputy Premier has failed to comply with 134.2.

The CHAIR: Clearly, a hanging offence—what is it? Show me point 2.

Mr GARDNER: The Deputy Premier is supposed to state the point of order, sit down, and let the Chair rule. He failed to do so; he just gave a speech.

The CHAIR: It is relevance, surely. Correct?

The Hon. J.R. RAU: Correct.

Mr GARDNER: We did not need that six-minute diatribe to do that.

The CHAIR: Unfortunately, we have had a lot longer on this side. Are we all going to have some goodwill here or not?

Mr GARDNER: As a point of order, ma'am, under the rules of debate, the member for Finniss is entirely entitled to make contributions in relation to clause 3 that are relevant and—

The CHAIR: He has had several, and he had several last evening.

Mr GARDNER: That may be the case, and if he has exceeded the number, then that is a point of order that could have been raised, but to say that it is irrelevant to the clause is actually not true and the point of order was presented incorrectly.

The CHAIR: Let's go back. I presume the minister is working on his agreement with the member for Goyder, which now seems to be in tatters, so we are apparently back to listening to the member for Finniss.

The Hon. J.R. RAU: I have not been holding the other side to three comments and everything else. If that is what it has to get down to, fine, and I am grateful to the member for Morialta for giving me another point, but we did have this conversation yesterday.

The CHAIR: That is now being repetitious. Apparently, they are not going to agree with you, so we are back to the member for Finniss asking questions. He will have three and he has already had one.

The Hon. J.R. RAU: Yes, and I do point out that he does have the alternative of saying something at the third reading if he chose to.

The CHAIR: Of course he does, but he is choosing not to be cooperative in that fashion.

Mr GRIFFITHS: Can I just clarify that the commitment I gave as part of the debate yesterday afternoon was not to move subsequent amendments if the first one was lost.

The Hon. J.R. RAU: That is lost, so you are not moving it. What are we talking about?

Mr GRIFFITHS: The member for Finniss is asking a question about—

The Hon. J.R. RAU: About something that was lost yesterday. You are not moving these amendments.

The CHAIR: The member for Finniss has the call.

Mr PENGILLY: Thank you, ma'am. My question is this. This bill, if successful through both houses of this parliament, is fundamentally going to change the social fabric of the way the island does business, with the elected body of the council having been there for a long time in two forms and now one form. It is going to go completely over the top of the council with this commissioner. We heard yesterday the Attorney tell the house in committee what the process is if the commissioner believes—

The CHAIR: I need to remind you that we are talking about the interpretations of clause 3, not anything broader than that.

The Hon. J.R. RAU: What is the question?

The CHAIR: The question is: will it change the fabric? Correct?

Mr PENGILLY: I am asking the minister—

The CHAIR: Well, that is the question.

The Hon. J.R. RAU: Is that the question?

The CHAIR: 'Will it change the fabric of the island?'

Mr PENGILLY: This is ridiculous, and I—

The CHAIR: We are trying to help you.

Mr PENGILLY: Well, it just seems to me, Madam Chair, that every time I get to my feet to say something, the minister jumps up like a jack-in-the-box to try and stop me. He does not like it.

The CHAIR: I am advised that these issues should have been canvased before we came out of the second reading; all I can do is act on that advice. What is your question? 'Will it change the fabric of life on Kangaroo Island?'

Mr PENGILLY: Well, I am interested to know whether they had—

The CHAIR: That is your question?

Mr PENGILLY: —thought through how that will change the social fabric of the island and the way it does business through the local authority. Now, when it comes to—

The CHAIR: No, that is the question.

Mr PENGILLY: I am just—

The CHAIR: That is the question. Minister.

The Hon. J.R. RAU: I am happy to answer their question. The answer to the question is no. Not only is the answer to the question no, but the Kangaroo Island Council themselves endorse this position; they endorse it. Unlike the opposition, I am not pursuing a policy which is opposed by the council. I am pursuing something that has the endorsement of the council and the endorsement of the LGA. We are in a situation now where a fairly remote regional council has a wish which the government is trying to take through the parliament, and their elected representative is trying to stop the council's wish becoming law. That is the situation we have. The council wants this; we are delivering it.

The CHAIR: So the answer is no.

The Hon. J.R. RAU: No is the answer, yes.

Ms CHAPMAN: My question firstly in relation to the inclusion of council as the definition of statutory authority. We have another bill before us, minister, for a commissioner for children and their wellbeing. That also has a statutory authority—

The Hon. J.R. Rau: I do not know about that.

Ms CHAPMAN: Well, just let me outline it, and it will be clear to you—that includes a number of entities that will be included for a statutory authority. The definition used in that, which is the only other contemporary legislation I am aware of that is dealing with commissioners, is to actually define it as a local council. Is there any reason why the drafting of this bill was done to be a 'council' rather than a 'local council'?

The Hon. J.R. RAU: I am advised there is no magic in this, it is just the way it was drafted. It applies to a council; at the moment, there is one. I would have thought, at the present time anyway, in terms of Kangaroo Island, it is unlikely we will get two there in the near future, but—

Mr Griffiths: There used to be.

The Hon. J.R. RAU: There were previously. Just further to that, to make the position fairly clear to members, this should be on the record. This is correspondence dated 25 June from the council to me, advising that:

Council passed the following resolution:

That Council:

- 1) Thank the Minister for his comprehensive, consultative approach—

Members interjecting:

The CHAIR: Hang on, can we just listen. I am trying to hear what he is saying, and then we will get onto the next bit.

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

to explaining and refining the Commissioner for Kangaroo Island Bill legislation and for allowing the Council to review and suggest changes which have then been incorporated as formal amendments. Council are content with the explanations, planned clarifications in *Hansard* and formal amendments proposed with one additional suggested inclusion into Amendment 10 section 19A whereby the words "...and conduct this review every four years thereafter" may be added to the end of the paragraph.

- 2) Council will write to all Members of Parliament reiterating Council's support for the Bill...

That is the attitude of the Kangaroo Island Council to this bill. It is in writing, so—

Ms CHAPMAN: I thank the Attorney for just repeating again what has been in the debate; I hope he is not going to be taking points of order on repetition. In relation to council being included, it has been confirmed and acknowledged throughout the debate that the council of Kangaroo Island has indicated their support to this. My question is: had your government put any other form of governance restructure to the council other than the commissioner proposal?

The Hon. J.R. RAU: The question is completely irrelevant to the material before the parliament but, in an effort to move on, I will answer it. The answer is that we have not put anything else to the council. We have put this bill to the council and to the community on Kangaroo Island. We have sought their comments. We have received their comments. We are taking their comments into consideration, and the amendments which stand in my name are reflective of those conversations.

Ms CHAPMAN: Given that the KI Futures Authority has published a schedule of directions, including a change of the governance structure on Kangaroo Island—and I think from discussions yesterday your indication was that there is some ongoing conversation (whatever that is and whomever it is with) with persons unknown in respect of governance changes on Kangaroo Island—has there been any discussion between your government and the KI Council in respect of any other proposals for different governance arrangements for Kangaroo Island and, if so, what are they?

The Hon. J.R. RAU: Again, completely irrelevant to the clause, totally irrelevant, but in the vain hope that we can move on: I have not been involved in consultations with the council about anything except this.

Ms CHAPMAN: If I can just conclude on this point, given that the council has only been given the commissioner structure, that you acknowledge that there are some conversations going on to which you have not been party, as is evident, why is it that you are pressing to include the council in this structure when it has not been, to the best of our knowledge, fully consulted on any other governance restructure on Kangaroo Island?

The CHAIR: You do not have to answer that if you do not wish to.

The Hon. J.R. RAU: No, but I just want to share with everybody that at that point in time I heard the alarm clock go off, I looked over, it was 6am and *I Got You Babe* was playing very loudly.

Mr GRIFFITHS: I have a question under 3(c), responsible minister, which I did seek to remove. It states 'if the authority is a regional development assessment panel'. Minister, I am not aware that regional development assessment panels actually exist. I am intrigued as to why that interpretation of a structure that is not in place yet is actually included in the bill.

The Hon. J.R. RAU: That is meant to contemplate if such a body exists. I do not, off the top of my head, know whether such a body presently exists, but if it were to exist it was intended that it be captured.

Mr GRIFFITHS: Minister, I can understand that you are a forward-thinking person. I know that that is your nature and I can appreciate that, but it intrigues me that legislation can include words

that contemplate something that may exist in the future. As an individual who thinks that the parliament is for the democratic and public debate of all these things, I am rather disappointed that you include words about a structure that may exist, depending on whether you, as the planning minister, decide to pursue it and, indeed, if the parliament allows the structure to be established.

The Hon. J.R. RAU: All I can say is that the concept of a council development assessment panel is something that exists presently. There is currently conversation going around about potential changes—

Ms Chapman interjecting:

The Hon. J.R. RAU: Yes, you do know about this one. You know about this one.

Ms Chapman interjecting:

The Hon. J.R. RAU: Yes, you do. Mr Hayes and others have been circulating comments and suggestions about regional development assessment panels, and this is future-proofing this piece of legislation just in case that gets up.

The CHAIR: Member for Finniss.

Mr PENGILLY: Can I ask the minister: if indeed regional assessment panels are not in place, particularly on Kangaroo Island, why does he not remove that and just leave it at the local development level?

The CHAIR: He has already answered that question, as far as I know.

Mr PENGILLY: It does not exist.

The CHAIR: I am going to put clause 3 as printed in an effort to move things along.

The committee divided on the clause:

Ayes 22
 Noes 19
 Majority 3

AYES

Atkinson, M.J.
 Brock, G.G.
 Digance, A.F.C.
 Hughes, E.J.
 Koutsantonis, A.
 Picton, C.J.
 Snelling, J.J.
 Wortley, D.

Bettison, Z.L.
 Caica, P.
 Gee, J.P.
 Kenyon, T.R.
 Mullighan, S.C.
 Rankine, J.M.
 Vlahos, L.A.

Bignell, L.W.K.
 Close, S.E.
 Hamilton-Smith, M.L.J.
 Key, S.W.
 Piccolo, A.
 Rau, J.R. (teller)
 Weatherill, J.W.

NOES

Bell, T.S.
 Gardner, J.A.W.
 Knoll, S.K.
 Pisoni, D.G.
 Speirs, D.
 van Holst Pellekaan, D.C.
 Wingard, C.

Chapman, V.A.
 Goldsworthy, R.M.
 Pederick, A.S.
 Redmond, I.M.
 Tarzia, V.A.
 Whetstone, T.J.

Evans, I.F.
 Griffiths, S.P. (teller)
 Pengilly, M.R.
 Sanderson, R.
 Treloar, P.A.
 Williams, M.R.

PAIRS

Hildyard, K.
 Marshall, S.S.

McFetridge, D.

Odenwalder, L.K.

Clause thus passed.

Clauses 4 and 5 passed.

Clause 6.

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

Amendment No 1 [AG-1]—

Page 4, line 8 [clause 6(2)]—Delete subclause (2)

Amendments Nos 1 and 2, very briefly, were contemplated as a result of negotiations with the council.

Mr GRIFFITHS: As I understand it, this amendment is a slight structural change and it is put to a different part of the bill, so the opposition indicates its support.

Amendment carried.

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

Amendment No 2 [AG-1]

Page 4, after line 9—After subclause (3) insert:

- (4) The Minister must undertake consultation (in such manner as the Minister thinks fit) with the Kangaroo Island Council and the people of Kangaroo Island in relation to any proposed appointment under this section.
- (5) The person appointed as Commissioner—
 - (a) should have experience in the commercial sector and a detailed understanding of the system of government in the State (including the respective roles of State and local government) and any strategies, plans or objectives for Kangaroo Island adopted by the State Government or the Kangaroo Island Council; and
 - (b) may be a Public Service employee.

Mr GRIFFITHS: As I understand it, amendment No. 2 relates to:

The Minister must undertake consultation (in such manner as the Minister thinks fit) with the Kangaroo Island Council and the people of Kangaroo Island in relation to any proposed appointment under this section—

being for the appointment of a commissioner. In my review of the amendments, the obvious question I raise is that there is no mention of the local MP. In relation to such a critical appointment to be made, in the hope that no matter what political party is actually in governance—and it stems back to our alternative vision of the involvement of a local MP in this, because I think it is really important—I would seek the support of the minister in considering between the houses the potential for some form of amendment that actually includes the words of the local MP being considered as part of that on a formal basis.

The Hon. J.R. RAU: I will think about it, but I do note that that is not contained within any of the amendments proposed by the opposition. I also note that clearly the local member would be one of the people of Kangaroo Island, but I will consider it.

Ms CHAPMAN: On the definitions that have been referred to in your motion, minister, the 'people of Kangaroo Island' are not defined in your bill, so I just inquire as to how they will be defined. Are they ratepayers? Are they people who live there temporarily or permanently? Are they people who are on the electoral roll? Are they people who love it? I am not quite sure who they are or how you propose to consult with them.

The Hon. J.R. RAU: These are matters, ultimately, that will be worked out using that most uncommon of commodities, common sense. The idea is that obviously if somebody lives there they are there. I assume that, as we have done in consultations up until now, if somebody is a ratepayer of the island, even if they are not a permanent resident, they should be given the opportunity to have a chat. People like me who have no direct connection with the island obviously would not be included. I think one would bring a proper common-sense approach to it. If somebody either lives on the island or has a presence on the island—has property on the island or has business on the island—then I guess they should be spoken to.

Ms CHAPMAN: Could you outline the process as to how they will be consulted?

The Hon. J.R. RAU: Again, I think we are talking about common sense. For anybody who has been observing what is going on, the government has been having consultations with people on and off the island about this bill for some time.

Ms Chapman interjecting:

The Hon. J.R. RAU: Yes, I understand that. My intention would be that we will continue to have the sorts of conversations we have been having. That would involve public meetings on the island, letting people know and contacting off-island people who have a property interest on the island—all that sort of thing. It would be a common-sense approach to have contact with people who have a legitimate interest in the island.

Ms CHAPMAN: Now that we have this new-found definition of proposed expertise and experience as you describe in this amendment and that there will be some approach to consultation, is there any anticipated intention by the government to appoint even the interim employees, any public servant? Is there any intention to do that pending this great common-sense consultation you are going to have and then who you are going to announce?

The Hon. J.R. RAU: I have not turned my mind to that because I think it is always prudent not to count one's chickens. In addition, we already have KIFA in place, and for the time being that is satisfactory in terms of giving the island a high-level engagement with the Economic Development Board and the cabinet. Assuming the legislation passes, I would then turn my mind to that, but I have no view about it at all presently.

Ms CHAPMAN: Is there any intention, minister, that the people of Kangaroo Island and/or the Kangaroo Island Council will be consulted as to who they get as the minister for Kangaroo Island?

The CHAIR: The commissioner.

Ms CHAPMAN: No, the minister, because the bill proposes that the commissioner has to be accountable to the minister for Kangaroo Island.

The Hon. J.R. RAU: It is difficult to say. My understanding of the way the system works is that the Premier allocates ministries, and I would assume that this particular ministerial responsibility would be no different and would be allocated by the Premier according to the Premier's view as to which of the ministers was most appropriate.

Ms CHAPMAN: I pause to clarify that because during the briefings I understood, minister, that it was proposed that you were going to be the minister for Kangaroo Island, and you may have had some indication from the Premier already that he would be expecting to appoint you in the event of this bill being passed. I assume that is your understanding of the situation?

The Hon. J.R. RAU: Again, I do not like to predict what might be in the Premier's mind. I think the working model for the time being has the Minister for Planning notionally there, but that is a matter for the Premier which might be changed if the Premier saw fit. There is nothing about this particular bill that makes it impossible for any minister, although I would have to say, just thinking off the top of my head, that the minister responsible for DEWNR would be a problem; otherwise, I think it could be anybody.

Ms CHAPMAN: In relation to the appointment of the commissioner, if the commissioner is a public servant and the commissioner issues a notice to a member of his or her department—a colleague or those who might be employed under him or her in their department—and there is a dispute as to the production of that information to the commissioner as the commissioner of Kangaroo Island, who gets first bite of the cherry to the Crown Solicitor's Office services—the commissioner or the employee?

The Hon. J.R. RAU: Interesting point. In the event of there being a dispute, I am advised that would ultimately go to cabinet and it might be, as occasionally happens where the government is vicariously liable for public servants but they are in dispute, that the engagement of external advisers might be appropriate. But that would need to be considered on a case-by-case basis. I would not expect that circumstance to arise, but if it did it would have to be considered in its context.

Ms CHAPMAN: In the event that an employee of the government is in dispute with the commissioner in respect of this process of giving notice and requesting material, if there is to be legal advice and/or representation given to the person who is in dispute with the commissioner, will those costs be met by the government?

The Hon. J.R. RAU: I think the answer to that lies in the existing guidelines. That really comes down to whether or not the person is acting within the scope of their engagement. If somebody is acting lawfully as a Crown employee and there is a dispute and they are potentially lined up by reason of being a Crown employee in that dispute, then the normal rules suggest that they would be either represented by the Crown or provided with independent representation. If, however, they step outside of that and they are behaving unlawfully or they are in breach of their primary responsibilities under the Public Service legislation or something, it might be that they are on their own. That is no different to what happens now.

For example, my understanding is that if, for instance, you have a police officer who is actually charged with a criminal offence occurring in the course of their duties, it is not appropriate for the Crown to indemnify that person; they are on their own. If it subsequently turns out that they did not commit a criminal offence, it might be that there is some indemnity provided in respect of some proceedings—Coroner's Court, for example. But those rules I would expect to be applied here as in exactly the same fashion as they apply everywhere else.

Ms CHAPMAN: I am not seeking, minister, to deal with obviously criminal conduct of an employee. I think that obviously speaks for itself that it would be a matter for a public servant or anyone else to get their own advice in that circumstance. What is being proposed here is that your commissioner is going to have a certain role in setting up management plans and serving notices to any state entities and/or councils and the like to have documentation presented to them. If that is in dispute, then the situation is that your commissioner is a public servant against a public servant. So, clearly we are not talking about criminal conduct.

We are talking about, for example, an employee in the department; let's use an example and assume that you appointed the head of the planning department (I think you have an acting head at the moment) as the commissioner for Kangaroo Island and he served notice on one of the employees in the planning department as the commissioner for Kangaroo Island to receive a document which he or she might think is subject to an FOI confidentiality whatever. Both of them want to get advice on the enforcement of that notice and, as a matter of precaution, the employee wants to get advice to deal with it. In the meantime, the commissioner says, 'No, I have served a notice. We are moving to stage 2,' which is to start putting in the report, the whole name and shame process, and obviously that would be something that would be unconscionable as far as the public servant is concerned, who is the recipient of the notice. So, you see the situation; it is not criminal conduct, but they are acting and they are not sure.

Frequently, advice is given and in fact I think generally there is a guideline that says unless there is a Treasurer's exemption—you might have this power as well, but at least the Treasurer has the power to say, 'No, we are going to give you permission to go out of the department and get independent advice.' Okay, we are not sure in those circumstances who is going to get the first bite of the cherry of the CSO services or who is entitled to go there first and the circumstances might indicate that it could change in different scenarios, but all I want is some assurance that those who do need to get independent advice and/or representation will have it, at your cost as such.

The Hon. J.R. RAU: Having had that explained as it has been explained, short of the criminal behaviour and suchlike, I can assure the member for Bragg it would be the case that the same rules would apply as already apply to public servants, which means they are either represented by the Crown or, where appropriate because of a conflict or some other reason, external advisers are sought.

Can I just add, too, that the circumstance that the member for Bragg has suggested may occur, I hope sincerely would not occur, because I would hope common sense would prevail. But if it were to occur, it would be no different to a circumstance that might already occur in any other agency now where a chief executive may direct another member of the agency to do something, and the other member of the agency might believe that the chief executive is acting unlawfully in making

that direction. You would have exactly the same potential for conflict there now, and that is resolved if and when it occurs.

Ms CHAPMAN: The more common, to be fair, is not as we currently have in the Department of Transport where often the CEO is the commissioner for highways and commissioner of roads, for example, and can deal with the compliance of members of his or her department in various ways without having to necessarily even rely on the commissioner role. They have certain responsibilities and powers that go with it that give them some priority in setting out a railroad track or a road, that might overlap in other departments.

Perhaps a better example is to say that notices are given to an officer of the Department of Environment to provide some material in respect of a proposal in the Flinders Chase National Park, and that is refused. This is where we get to the crunch here. There is clearly, as you have already indicated, some friction between departments within the context of this bill. In those circumstances, will the recipient of the notice in another department, or in any of those other statutory bodies—some of which are a mirage in the desert at the moment, but let us assume they will exist in due course—be given representation at the cost of the Crown?

The Hon. J.R. RAU: As I said, that is my understanding; that is what happens now. The only question is: would one of them be represented by the CSO, or would neither of them be represented by the CSO because of the CSO being put in a difficult position?

Mr PENGILLY: I would just like to ask the minister, given the complexities of across-government agencies and knowledge of the Public Service, etc., how could the commissioner be anything apart from a current public servant or a former public servant? Given that the three big agencies over there are health, education and DEWNR, obviously—and a number of smaller ones operate around the place—how could the commissioner be anything apart from a current or former public servant?

The Hon. J.R. RAU: It is not intended by me that the person need be a past or present public servant, although it might be that a past or present public servant is particularly well-placed to do this job; I do not know. They could even be a former member of parliament.

Ms Chapman: Chloe.

The Hon. J.R. RAU: Whether Dean Brown, for example, wants to be involved in these things, I do not know. What I am saying is that I know—

Ms Chapman: Peter Lewis.

The Hon. J.R. RAU: There are suggestions coming thick and fast from the member for Bragg. I won't put that one on the *Hansard*.

Members interjecting:

The CHAIR: Order! Back to the—

Members interjecting:

The Hon. J.R. RAU: In deference to the member for Bragg, I will not put her last suggestion on the public record. Can I say this: what has become very clear to me is that, if you were to put a person who was unfamiliar with government in this job, there is a fair chance that that person would either not know where to begin, or get started and find themselves apparently unable to proceed because of barriers that appeared in their path, which a person a little more wily would realise could be easily dealt with.

This is more of a suggestion as to the sort of qualities that an appropriate person might possess. Undoubtedly, one of those qualities should be, in my opinion, a capability of comprehending how the public sector works, though not necessarily having been, or at the time being, a public sector person. There are many times where I have observed that people from the private sector do not understand how government works. That does not mean they cannot do good jobs and it does not mean they are not useful in some jobs, and it does not mean that a private sector person would not be an ideal person for this job.

However, a private sector person who did not have a clue about how government worked, given that the main function here is a coordination of government agencies, would be an unlikely best fit. This does not prohibit such a person, it just says: 'When you are looking for a person, just bear in mind that a lot of this is negotiating your way around government agencies, so having some idea of how they work would probably be handy.'

Mr PENGILLY: Thank you, minister. So, in essence, what you are saying (with the exception of Peter Lewis) is that you would indeed need to have some knowledge at either federal or state government—particularly state government, I might add, in this case—level, or an MP. That would be a vast part of the criteria for becoming the commissioner for KI.

The Hon. J.R. RAU: No. I want to make this really clear: I am not saying a member of parliament or a public servant is something that necessarily would have to be on the CV of any person applying for this job. Note also that we are looking for experience in the commercial sector as well. I am simply flagging in this piece of legislation that, ideally, just so everyone knows and it is sitting there, to put a person in here who does not have a clue about how government works would be dangerous—that's all.

Mr GRIFFITHS: I am still dealing with amendment 2, but if I can go back to clause 4, the included part, where I raised the point of the local MP not being part of the formal consultation. I recognise that the minister has talked about the fact that it could be deemed to be inclusive, given that it says 'people of Kangaroo Island'. However, immediately prior to that it talks about Kangaroo Island Council as an elected body. That is the reason I raise the point why an elected person, put in place to represent the views of others, is not directly included. I flag that there are no amendments from me on this one, and I recognise that. I had hoped there would be some acknowledgement on it but, as the minister has indicated, it is not his preferred position at the moment. I do flag that I will be putting amendments to the Legislative Council in relation to this.

Amendment carried; clause as amended passed.

Clause 7.

Mr GRIFFITHS: Terms and conditions of the appointment of the commissioner for Kangaroo Island. Minister, I do try to read these things rather diligently so I understand what the implications of the legislation are. I understand that we previously debated the skill set required, and this clause probably talks about the work ethic that is going to be required and what they will be doing. However, I do not notice anywhere where it talks about any level of performance review. Subclause (2)(f) talks about if the commissioner is incompetent or has neglected the duties of the position they can be terminated, but how long do you have to wait before that position is reached? Is it a matter of the minister waiting until the end of the term of the appointment or is there a three-month, six-month or 12-month review of performance?

The Hon. J.R. RAU: Good question and the answer is that in subclause (1) we talk about the commissioner being appointed on conditions determined by the Governor. It would be my intention that those conditions would not just be that you are there for five years full stop. It would include some sort of performance requirements and whatever which would be in the nature of the middle to senior level contract engagement you would expect in the business world or in the public sector. It might be that they need to be tailored to some degree according to who the applicant is, and such like.

It is my intention that there be the sorts of things you are asking about contained within the terms of appointment, it is just that it would be appropriate for those details of the terms to be formulated at the time that we had some idea who we were appointing rather than them being contained in the legislation. But I place on the record, and I am quite happy to say, that it would be my intention that just as senior public servants and others have performance matters built into their contracts so should this person.

Mr GRIFFITHS: While it notes that its conditions are determined by the Governor, that is inclusive to have meant the Commissioner for Public Sector Employment, or whatever that position is called now. Erma Ranieri I believe has been determined. So, that person will be responsible for making recommendations to the Governor on what those conditions should be?

The Hon. J.R. RAU: No, where it says 'determined by the Governor' that means that the position would go to cabinet. The terms and conditions of the contract of engagement would have to be signed off by cabinet and cabinet would recommend to the Governor that a position be offered on those terms and conditions.

Ms CHAPMAN: Just on the terms and conditions, I think there is about \$1 million a year allocated now for the operation of this commission, and I assume that to be the proposed salary of the commissioner—

The Hon. J.R. Rau interjecting:

Ms CHAPMAN: Does it? You would know, it is your budget, I am just asking. And it does not include the proposed salary of the commissioner, if it is a public servant in an existing position, unlike, say, our commissioner for social inclusion. I remember having his contract. It was an interesting precedent for you. I think he was paid \$100,000 a year. He had to work six months of the year for the Premier and the rest of the time he could deal with the Catholic Church, etc. It is not a bad precedent actually but, in any event, he had a salary and then it was reviewed by the Premier and he increased the money.

So, what have you budgeted and if it is not in the \$1 million a year already budgeted for how much will be paid—if it is a different amount to an existing public servant as to what else would they get, and if they do get any other benefits, such as house or travel allowance, because my understanding is it is proposed that they are likely to be living in Adelaide but will need to travel back and forth etc? Is that in the \$1 million a year?

The Hon. J.R. RAU: I thank the honourable member for the question. The number which is there was intended to contemplate the appointment of the individual, in other words their salary and other emoluments, money to take into account travel, money to take into account the provision of an office presence of some description, though not necessarily a fully serviced independent presence, and some support of an administrative nature.

Ms Chapman interjecting:

The Hon. J.R. RAU: That is subject to negotiation but the idea is that the whole box and dice should be in that order.

Progress reported; committee to sit again.

Sitting suspended from 12:59 to 14:00.

Parliamentary Procedure

VISITORS

The SPEAKER: I would like to welcome to parliament today students from the Moonta Area School, who are guests of the member for Goyder; students from the Adelaide Secondary School of English, who are guests of mine; members of the Thornbury Park Retirement Village, who are guests of the member for Hammond; and one of the outstanding presiding officers of this august assembly, the Hon. Graham McDonald Gunn, has graced us with his presence. He is the only Speaker to have thrown me out.

Petitions

NATIVE VEGETATION ACT

Mr WHETSTONE (Chaffey): Presented a petition signed by 669 residents of South Australia requesting the house to urge the government to make amendments to the Native Vegetation Act to allow for the removal of deadwood, provide for increased clearance widths along boundary fence lines and allow greater access to water refill points in all national parks in South Australia.

*Ministerial Statement***GILLMAN LAND SALE**

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

Leave granted.

The Hon. J.R. RAU: The proposed sale of over 400 hectares of land at Gillman has reached another important milestone this week. The Minister for State Development, Renewal SA and Adelaide Capital Partners each entered into the Lipson Industrial Estate option deed in December 2013. The deed provides ACP with exclusive options for the acquisition of up to 407 hectares of low-lying land in the Gillman-Dry Creek area. ACP wrote to Renewal SA and the Department of State Development on 30 June 2014 stating that they had met the deed conditions precedent.

Today, I advise the house that, following an extensive review period, the Minister for State Development and Renewal SA have both confirmed this fact. The satisfaction of the deed conditions precedent represents the next step for this project. ACP now has until 30 December 2014 to exercise its first option. The second option must be exercised within five years after the settlement of stage 1, while the third option must be exercised within nine years after the settlement of stage 1. The deed conditions precedent involves the development of a project plan and the demonstration that ACP is likely to secure the financial capacity to commence the project and has the capacity to execute the project in accordance with the project plan and the terms of the option deed.

ACP is an entrepreneurial South Australian company. This project, rather than using state government money, puts on the table private sector funds. That money will be raised from investors from South Australia, interstate and overseas, who will put their own money on the line to invest in the many tens of millions of dollars required to bring the relevant land up to a standard which would allow it to be used as a crucial piece of infrastructure.

The potential benefits forecast to arise from the exercise of the three options by ACP include the payment of in excess of \$100 million for the land, which has remained dormant for decades, and the opportunity for a mining services hub so close to the Adelaide CBD. The terms of the option deed expressly limit disclosure of certain matters directly relating to that deed and a number of matters, including the documents forming the basis for ACP's 30 June submission, which includes the project plan, remain commercial in confidence.

This project is an extraordinary opportunity for South Australia. The proposed transaction aligns with the state government's economic priorities of unlocking the full potential of South Australia's resources and encouraging growth through innovation.

Ms Chapman interjecting:

The SPEAKER: The deputy leader is called to order.

Parliamentary Procedure

PAPERS

The following paper was laid on the table:

By the Treasurer (Hon. A. Koutsantonis)—

Southern Select Super Corporation—Charter 2014-15

Parliamentary Committees

LEGISLATIVE REVIEW COMMITTEE

Ms DIGANCE (Elder) (14:06): I bring up the seventh report of the committee, on subordinate legislation.

Report received.

Question Time

EMERGENCY SERVICES LEVY

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:06): My question is to the Treasurer. What elements of the emergency services levy increases did the Treasurer consider reversing to try to pass the car park tax through the other place?

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy, Minister for Small Business) (14:07): The transport development levy is a piece of good public policy that the government took to the election. When South Australians find themselves stuck in congestion coming in and out of the CBD, there will be one person they can turn to and think of and blame for that congestion, and that's the Leader of the Opposition.

The Leader of the Opposition is intent on blocking a piece of legislation that the government has every right to introduce. Everyone expected that if the government was returned this legislation would be part of its platform and part of its budget. Indeed, the government introduced it as part of the budget. It had been consulted to within an inch of its life. People knew it was coming, people were preparing for it to come, but there are very powerful vested interests that want to see it stopped, and the Leader of the Opposition stands with that small group of vested interests rather than the broader population. I think it is important to understand that, as the government made a commitment to keep on building South Australia, we were always intending to place a levy—

Mr Gardner: When nearly one in three South Australians voted for you.

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

The Hon. A. KOUTSANTONIS: The government always intended to introduce this legislation. The opposition are breaking years of precedent by not supporting the government's revenue measures, not allowing the executive to decide its budget. I just say to the younger members—

Mr Pederick interjecting:

The SPEAKER: I call the member for Hammond to order.

The Hon. A. KOUTSANTONIS: I say to the younger members of the Liberal Party, who one day will form—

Ms Chapman interjecting:

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

The Hon. A. KOUTSANTONIS: —part of the executive, that following a desperate man over the cliff is not the way you should be setting yourselves up, because one day members opposite—some of you—will be in government.

Mr VAN HOLST PELLEKAAN: Point of order, sir.

The SPEAKER: Second person plural. Instead of saying 'you' he should have said 'ye'. Do I anticipate your point of order correctly?

Mr VAN HOLST PELLEKAAN: No, sir; standing order 98. The minister is not addressing the substance of the question, which was: what issues associated with the emergency services levy is he considering changing?

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

The Hon. A. KOUTSANTONIS: They will want to implement their agenda they have taken to the election, and if the opposition continues down this path of blocking the government's intentions—what they announced at the election were our intentions—then I suppose they will be expecting that if they ever form a government in return.

When you block a government's mandate in a state the size of South Australia, you do create a \$130 million hole in the budget and then will complain about congestion and then complain about public transport infrastructure. There will only be one person they can blame for that—and that will be the Leader of the Opposition. In my opinion, this decision being taken by the man who will not be leading you at the next election is a brave one for the rest of you to be taking.

Ms CHAPMAN: Point of order: I am going to ask you to do a ruling on the relevance.

The SPEAKER: Well, you better because otherwise you would be out of order and I would have to ask you to leave the chamber.

Ms CHAPMAN: I'm asking it on this because, notwithstanding the point previously raised, the minister just continued to talk about the transport development levy, that is, the car park tax, but this question is exclusively about the emergency services levy, nothing about any other tax. He might not have any other answers—

The SPEAKER: No, I don't think we need a speech on it. I think you have made a point of order.

The Hon. A. Koutsantonis interjecting:

The SPEAKER: Treasurer, I haven't ruled on it yet. I think the Treasurer is just cognate with the question, and I will listen carefully to what he has to say. The opposition really did invite comment on this because of the nature of the question. Treasurer.

The Hon. A. KOUTSANTONIS: Sir, in the question the Leader of the Opposition referenced the transport development levy, so it is not accurate, what the deputy leader said. Perhaps she should attend tactics meetings rather than the other meetings you go to arranging other events to occur later. I say to the younger members that the path you are following the desperate man over the cliff on is a path that will be setting the Liberal Party up for failure if they ever achieve government because you will be attempting—

Ms CHAPMAN: I am not sure if this is the 'Tom Koutsantonis mentoring MPs program'.

The SPEAKER: I warn the deputy leader for the second time for referring to the Treasurer by his diminutive and his surname.

Ms CHAPMAN: No, I said, sir, with respect, 'This is not the Tom Koutsantonis mentoring program for new MPs.'

The SPEAKER: I regard that as offending the principle. What is the point of order?

Ms CHAPMAN: The point of order is that clearly the minister has decided that he is not going to answer the question and, in doing so, is filling it up with election—

The SPEAKER: No, I don't think we need your description.

Ms CHAPMAN: Well, just in case, sir, you missed it—

The SPEAKER: No, I don't miss anything up here.

Ms CHAPMAN: Well, having heard every word, I am sure you will support the submission I put to you; that is, this is clearly not a response to the question, lecturing the opposition about the conduct of MPs.

The SPEAKER: No, well, that wouldn't be; however, the question did invite in its structure comments about the related or unrelated levy. We only had 19 questions yesterday, down from the normal 30 or so, and it is because of things like this. Let's hear the point of order.

Mr WILLIAMS: I wasn't going to make a point of order, Mr Speaker: I am seeking your guidance. I am wondering whether it is in order for me to move to suspend sessional orders to give the Treasurer another four minutes because he has used in excess of 3½ minutes and hasn't got anywhere near the substance of the question.

The SPEAKER: The member for MacKillop will leave the chamber for 15 minutes.

The honourable member for MacKillop having withdrawn from the chamber:

The Hon. A. KOUTSANTONIS: I'm not sure if 'konnichiwa' is goodbye or hello in Japanese. The government does not conduct its negotiation with the crossbenchers in public. The government is entitled to attempt to get its budget through both houses of parliament. We took the transport development levy to the election. This is not like Prime Minister Abbott's promised 'no cuts to health, no cuts to education, no cuts to pensioners' and then reversing all of that. We always said that if we formed government we would introduce a transport development levy, and it's the right thing to do by South Australians.

The SPEAKER: Alas, the Treasurer's time has expired. Leader.

EMERGENCY SERVICES LEVY

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:15): What elements of the remission removal has the government considered reversing in order to pass the car park tax through the Legislative Council?

The Hon. J.W. WEATHERILL (Cheltenham—Premier) (14:15): I don't mind that the opposition leader has no ideas for South Australia's future, but get out of the way while we introduce ours. It may have passed the notice of those opposite, but there are significant challenges facing South Australia at the moment. That is why we are—

Mr Marshall: Hear, hear! The Labor government—a 12-year-old Labor government.

The Hon. J.W. WEATHERILL: You had an opportunity to run those arguments at the last state election. You also had an opportunity to advance your platform for South Australia's future, and instead what they decided to do was put you in a sack, stick you in the boot and try to smuggle you across the border. You had an opportunity to stand up and actually advance your positive ideas for the future of South Australia, but you squibbed it. We are actually promoting a platform here that we are asking the parliament to respect.

If you do not have something positive to offer in the place of these important public policy issues, then get out of the way. If you don't have an answer for running a modern capital city which is growing in excitement, strength and vibrancy, wanting to move people in and out of that capital city in an effective and safe way and needing the infrastructure necessary to support those processes, if you do not have a solution for that that doesn't involve the expenditure of public money, get out of the way. Get out of the way if you do not have a solution to the challenges confronting South Australia.

If you survey the nation and you look at the capital cities that are actually grappling with this question of moving people in and out of their cities, you will find that they have all struck a levy of this sort at much lower rates, I must say, in most instances, than the one we are proposing here—a modest levy that will assist us in providing the infrastructure that is necessary. When we struck this levy, we also wanted to show South Australians the sorts of things that it could be used for, so we got on with the exercise of actually building park-and-rides, which are springing up around the metropolitan area, which are about driving an important capital city, one that has vibrancy and is able to move people in and out very quickly.

We are seeing the growing pains that exist in Melbourne and Sydney. They are ceasing to actually operate as a functional metropolis. We have the opportunity to get involved first and actually avoid that happening here. I know those opposite get misty-eyed about the days when you used to be able to drive your car in from the suburbs and get a car park out the front of Harris Scarfe. Sadly, it is difficult now to do that and I know that they would want us back in the old days where we had a rabbit warren of a public hospital, where we had a football oval down the other side of the suburbs and we didn't have a capital city stadium, where we did not have a first-class entertainment precinct. I know they get all misty-eyed for the good old days of the 1950s—

The Hon. J.R. Rau: Where a big night out was the pie cart.

The Hon. J.W. WEATHERILL: —where a big night out was the pie cart, where a pie floater was haute cuisine. Those are the good old days that the Liberal Party of South Australia would love to take us back to, but we are going to take South Australia into the future with a positive program and, please, get out of the way.

The SPEAKER: Standing orders were comprehensively breached by both sides during that question. The leader.

EMERGENCY SERVICES LEVY

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:19): Does the Premier believe that his emergency services levy increases have gone too far, and does he or his government intend to provide relief for some categories of people affected by the emergency services levy hikes?

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy, Minister for Small Business) (14:19): I find it amazing that the Leader of the Opposition can be so colourblind as to not see the impact of the commonwealth's budget on our budget.

Members interjecting:

The Hon. A. KOUTSANTONIS: 'Oh!' It's only \$5½ billion. It's only hospitals, they are only pensioners, there are only schools—

Members interjecting:

The SPEAKER: If the Treasurer's answer is going to canvass the merits of the opposition obviously the opposition is going to interject. If the Treasurer wants to go down that path, go ahead.

The Hon. A. KOUTSANTONIS: Sir, I like to take the path less travelled. I am a more optimistic man than members opposite because I believe South Australia's future and its best days lie ahead of it, not behind it.

Members interjecting:

The Hon. A. KOUTSANTONIS: I hear interjections from members opposite about debt and deficit but we have cut in too deeply. The opposition's schizophrenic attack on the government doesn't really make much sense. It probably shows why they are still in opposition because one day—

Members interjecting:

The SPEAKER: Would the Treasurer like to review the use of the word 'schizophrenic'?

The Hon. A. KOUTSANTONIS: Sir, sorry. I apologise. Given what is occurring to the state's finances through external factors, it seems to me when the government takes a direct action like removing remissions on the emergency services levy—remissions that were designed by members opposite which gave the largest remissions to the most wealthy in our community and the least remissions to those who can least afford to pay it—to fill a gap made to our hospitals, our schools and our pensioners from external factors, I would have thought the opposition would be more interested in helping the state and its citizens rather than those external factors with those external forces.

Mr Marshall: How is increasing taxation going to help our citizens?

The Hon. A. KOUTSANTONIS: I will explain it just so that the—

Mr Pisoni interjecting:

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

The Hon. A. KOUTSANTONIS: When there are cuts made to hospital activity funding because that hospital activity funding is here, the Minister for Health can't send people who are sick to Victorian hospitals or hospitals in Sydney or Queensland—they present to South Australian hospitals. We have built the capacity and staffing and requirements of those hospitals to meet 2014 services and to meet 2014 demands on the basis of a funding agreement we had with our funding partner. That funding partner has now pulled that money.

We have also built our schools and taught our teachers to offer curriculum based on an activity that was funded by the commonwealth. We also have pensioners who live here and have

requirements to meet on the basis of payments they thought they were going to receive from the commonwealth that have been cut. We have to fill that gap. How do we fill that gap?

What we have done quite prudently is take away discounts from the emergency services levy—we have taken away those discounts—and protected those who can least afford to pay. We have protected pensioners, we have protected people with disabilities—people who are under attack by the commonwealth, and we have protected them.

What we have done is we have moved that money into health and education. So, when we attempt to fund infrastructure to decongest our city and to improve the facilities and standards that South Australians have—

Ms Chapman: Blah, blah, blah.

The Hon. A. KOUTSANTONIS: 'Blah, blah'—and bring our budget into surplus, members opposite vote against those measures—yet they will be the first to complain about congestion, the first to complain about hospital standards, the first to complain about standards in our schools and they will complain about pensioners and their entitlements. The Premier is right—they should just get out the way.

Mr MARSHALL: Supplementary, sir.

The SPEAKER: Supplementary.

EMERGENCY SERVICES LEVY

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:24): Given the fact that the Treasurer has just said that the increases in the emergency services levy have been put in place to fund an offset for federal government cuts to health and education, how can he be doing a deal in another place to actually reduce that emergency services levy money coming into the state? What health and education cuts was the government prepared to accept in order to get his car park tax through the upper house?

The Hon. J.W. WEATHERILL (Cheltenham—Premier) (14:24): The Treasurer, in discharging his functions, in advocating for his budget, in going out into the public, in speaking to crossbenchers and seeking to get agreement for all of the measures in his budget, is doing his duty. He is doing his duty to this government and to the government's agenda. I note that there is a little bit of a flavour sort of floating around the place that the Treasurer might have hurt some feelings in doing that, that by his powerful advocacy for our budget and our program of positive plans for South Australia's future he might have hurt some feelings.

I actually understand why the Leader of the Opposition would not recognise that, because he doesn't have strong feelings about anything, because he doesn't believe anything. We believe in the program that we have put forward.

The SPEAKER: Point of order, member for Morialta.

Mr GARDNER: We are a long way from the reservation: 98.

Mr Pisoni interjecting:

The SPEAKER: The member for Unley is warned for the second and final time. I will listen carefully to what the Premier has to say. The Premier is finished? The member for Napier.

LYELL MCEWIN HOSPITAL

Mr GEE (Napier) (14:26): My question is to the Minister for Health. Minister, what investments have been undertaken by the state government to improve services at the Lyell McEwin Hospital?

Mr Tarzia: They cut beds.

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

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Arts, Minister for Health Industries) (14:26): This week

marks another important milestone in the \$314 million redevelopment of the Lyell McEwin Hospital with the opening of a brand new, state-of-the-art intensive care unit. This new 11-bed unit will allow critically unwell patients to receive their care in a spacious area with the best medical equipment and technology.

Being in intensive care can obviously be distressing for patients and their families. The new unit has calmer surroundings and more privacy for families and visitors to spend time with their loved ones while they recover, or during those difficult times when they need to say goodbye and to grieve.

Stage 1 of the ICU redevelopment has delivered five intensive care bays and six private rooms, including a room fitted with its own air supply to quarantine patients with serious infection or disease. All rooms and bays have an outside view, are larger in size and are fitted with overhead lifters to allow patients to be moved quickly, safely and comfortably.

Stage 2 of the ICU redevelopment will include refurbishing of the existing unit and the temporary closure of 14 beds. Once the second stage of the refurbishment is finished in April 2015, the number of ICU beds at the Lyell McEwin will almost double from 14 to 25.

Northern Adelaide is one of our fastest growing areas, and the expanded intensive care unit will allow more critically unwell patients to receive life-saving treatment closer to home. The redevelopment of the Lyell McEwin Hospital is part of the state government's broader plan to continue modernising South Australia's health system and meet the needs of the growing northern suburbs and surrounding areas. Other recent milestones include the opening of a new 96-bed inpatient ward, a dedicated women's and children's health hub, a helicopter landing pad and the new Northern Adelaide Cancer Centre.

While any improvement of our public health infrastructure is welcome, the system relies on the dedication and professionalism of those who provide care to the sick and injured every day. With the unprecedented surge in demand we have experienced over the last month, I would like to pay tribute to their hard work, particularly during a very challenging time.

EMERGENCY SERVICES LEVY

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:29): My question is to the Treasurer. As the government has announced that it is intending to provide an emergency services levy remission to pensioners or concession card holders who are tenants in a retirement village, will the government extend this remission to other landowners who have tenants who are pensioners or concession cardholders?

Mr Tarzia: Shame!

The SPEAKER: The member for Hartley is warned for the first time. Before the Treasurer starts, the presence of Speaker Gunn in the gallery has encouraged me, and I have warned the member for Unley a second time when I hadn't warned him a first time, so I apologise. 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) (14:29): The government is not wanting to pass on the ESL to pensioners and concession card holders because we believe that they are under sufficient attack by the commonwealth. It is good to see the Leader of the Opposition nodding his head in agreement that the Prime Minister's unprecedented attack on pensioners is probably the most hostile attack we have seen on a group in our community.

Re changing the way pensions are calculated rather than calculating it on the basis of wages growth, they wish to change pension growth to CPI, and we all know that CPI doesn't grow as fast as wages—some would say unfortunately, others would say fortunately. The government is doing everything it can to minimise as much as we possibly can the impact on pensioners, so what we will be doing is making sure that people who are in retirement villages, nursing homes or any other form of supported accommodation who are pensioners are not subject to the—

Mr Marshall interjecting:

The Hon. A. KOUTSANTONIS: I am getting to it.

Mr Marshall: Over what period of time?

The Hon. A. KOUTSANTONIS: I have been speaking for about 30 seconds. I know 12 years seems like an eternity.

Members interjecting:

The SPEAKER: We will return to the substance of the question.

The Hon. A. KOUTSANTONIS: Sir, I was attempting to be thoughtful and answer the question, but I was provoked by—

The SPEAKER: Then don't be provoked.

The Hon. A. KOUTSANTONIS: We are doing everything we can to minimise that. In terms of people who are in accommodation that is rented, it would be very difficult for the government to extend that remission to those people. The government is considering how best to minimise the impact of that. I suspect that what would occur through that private rental market is that the costs are not being passed on in the immediate because a lot of rental agreements will already have been put in place.

We will wait and see what the impacts of it are, but it is not the government's intention in any way to have pensioners or concession card holders pay anything more in terms of their emergency services levy. We value South Australian pensioners. We think—

Members interjecting:

The Hon. A. KOUTSANTONIS: Mr Speaker, I find it fascinating that the Leader of the Opposition has all this compassion for pensioners yet has not raised a word to the \$30 million worth of cuts the commonwealth government has made to pensioners—not a word. He hasn't raised a finger, hasn't written a letter, not so much as a complaint to the Prime Minister despite how close they are.

Members interjecting:

The Hon. A. KOUTSANTONIS: The alternative leader of the opposition says, 'How would you know? How would you know?' Show me the transcript. Where is the transcript? Where is the letter? Perhaps you could provide the letter you sent to the commonwealth. Perhaps we could see the letter that you have sent to the commonwealth complaining about the cuts to health and education because all I have heard is: subs built in Japan, tick; closing Holden, tick; cutting pensioners, tick; closing hospitals and schools, tick, tick.

The SPEAKER: Is there any chance the Treasurer could stop being provoked soon?

The Hon. A. KOUTSANTONIS: Well, that's not up to me, sir.

Members interjecting:

The Hon. A. KOUTSANTONIS: I will answer all your questions on this, and I will just make this one point: who was it who first levied an emergency services levy on pensioners? Which party was that? Which party decided? The members opposite. We haven't increased the emergency services on pensioners at all, but who was the party that brought it in? The members opposite. The members opposite decided to charge pensioners the emergency services levy, not this government.

The SPEAKER: Alas, the Treasurer's time has expired. Leader.

EMERGENCY SERVICES LEVY

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:34): Given the Treasurer's comments on pensioners and concession card holders, I ask the question: can the Treasurer clarify whether pensioners and concession card holders who receive the family tax benefit are eligible for the remission?

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy, Minister for Small

Business) (14:34): Well, if they are not aged pensioners—but I will check to make sure and get back to the house with a detailed answer.

EMERGENCY SERVICES LEVY

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:34): A further question regarding the remissions, sir. Will the government consider extending the remission to not-for-profit organisations?

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy, Minister for Small Business) (14:34): As we told the Economic and Finance Committee, the wait for the emergency services levy was set and the remissions were going to be decided in the budget, and the government has no plans to change the allocation of those remissions. If we do—

An honourable member interjecting:

The Hon. A. KOUTSANTONIS: Well, I am talking with the crossbenchers on another question through an interjection. It is about passing the government's budget that we took to the election. We took the transport development levy to the election, and every time a South Australian is stuck in traffic because people are all attempting to drive in on the same roads into the city instead of catching buses and using alternative transport, they can blame the Leader of the Opposition, they can blame him.

Members interjecting:

The SPEAKER: The member for Hartley is warned for the second time.

The Hon. A. KOUTSANTONIS: So, Mr Speaker, what am I talking to the crossbenchers about? I am talking to them about good government. I am talking about bringing the budget back into surplus. I am talking about delivering on our agenda. Members opposite, through their votes, are attempting to worsen the budget by \$130 million over four years. That is their legacy, not our legacy. We are the ones who are attempting to spend money on infrastructure to grow our economy, to decongest our city because the heart of commerce in this city is done in Adelaide and if the city is congested the arteries of our economy are blocked. We took the transport development levy to the election. It is not as if people did not know that we were going to get it. What we did not do was make up our mind on a transport development levy on the basis of a private campaign for or against us; that wasn't our thinking.

Members interjecting:

The SPEAKER: I call the member for Adelaide to order.

The Hon. A. KOUTSANTONIS: That wasn't our thinking. Our thinking was based on good public policy. We don't make policy decisions on the basis of who might run a campaign for or against it. So, the question is this: the emergency services levy remissions have been decided in the budget. The Leader of the Opposition claims they are unfair, yet he will not commit to reintroducing those remissions. He will not do it. He says it's too early to say. Well, Mr Speaker, how about now he put up or shut up. If members opposite think that the remissions need to be reinstated, say so now.

Mr Marshall interjecting:

The Hon. A. KOUTSANTONIS: Yes, at a press conference.

Mr Marshall interjecting:

The Hon. A. KOUTSANTONIS: Well, no. The Leader of the Opposition says it's too early to say, a lot of water to go under the bridge. So, let's be clear about this: if these remissions are to be reinstated it's a \$332 million promise that the opposition is making—make it now.

TRADE AND INVESTMENT MINISTERS' MEETING

Mr PICTON (Kaurana) (14:37): My question is to—

Members interjecting:

The SPEAKER: I call the leader to order and I call the Treasurer to order.

Mr PICTON: My question is to the Minister for Investment and Trade. Can the minister inform the house about the outcomes of the recent Trade and Investment Ministers' Meeting?

The Hon. M.L.J. HAMILTON-SMITH (Waite—Minister for Investment and Trade, Minister for Defence Industries, Minister for Veterans' Affairs) (14:38): I thank the member for Kurna for his question. South Australia continues to perform very strongly with its international trade. The latest statistics show the state export growth has outpaced the national average for the 10th consecutive month. The ABS trade figures also show overseas goods exported from South Australia grew 15.4 per cent to \$12.4 billion for the 12 months to July 2014. This is the sixth straight 12-month period of state exports exceeding the \$12 billion mark.

Our 15 per cent growth in the 12 months to July outpaced the national mark of 11 per cent, showing that South Australia is ahead of the game in developing new export markets. This growth rate has topped all other states, with 14 per cent for Western Australia and 10 per cent for Victoria. Exports from Queensland and New South Wales fell 1 per cent while Tasmanian exports were down 6 per cent. However, much work remains to be done. For that reason, last week I attended the Trade and Investment Ministers' Meeting, hosted in Cairns by federal Minister for Trade and Investment the Hon. Andrew Robb MP and also attended by trade and investment ministers from each state.

The forum established by minister Robb is an excellent example of governments, both state and federal, working together with the common objective to improve Australia's international engagement with its trading partners. Australia has entered its 23rd year of uninterrupted annual economic growth, with the total value of this nation's exports reaching \$319 billion in 2013, more than doubling in 10 years. It is interesting to observe that the main destination for Australia's exports has increasingly been northern Asia. In South Australia we have also recognised that shift, with the development of an international trade strategy for China. Nothing could be more important to our farmers and our small businesses, as well as our commodity traders and miners. Our trade focus also remains on India, and we have produced a South-East Asian strategy directions paper which is currently out for discussion.

A key focus of the forum hosted by minister Robb was how we could all work together to cooperate through a consistent Team Australia approach in respect of branding and international trade shows and missions. The state government recognises that the state's ongoing prosperity depends on our national and international connections and alliances. The state government will continue to work with investment specialists to support cooperative events and actions with the commonwealth through Austrade to ensure that our businesses enjoy growth in their exports going forward. As a result, the state has embedded Austrade officers in key international markets, and these officers are helping to strengthen South Australia's reputation on the global stage.

With the free trade agreements with Japan and Korea coming online, the federal government emphasised the importance of services exports as a way of expanding trade. In addition to its agricultural and mineral resource exports, South Australia has many opportunities for shared growth, such as education and training, aerospace and defence, water and technology. It is all about jobs, Mr Speaker.

Attracting foreign capital into Australia and into our state was a priority that was discussed with minister Robb and other ministers keen to build on a quality onshore investment project pipeline and to find ways to remove any impediments to foreign direct investment. The state government, and in particular the Department of State Development, will work tirelessly and cooperatively with industry and the commonwealth to expand existing and identify new trade opportunities which will deliver our goal for South Australia—which is jobs and enterprise in a state where people and business thrive.

Time expired.

EMERGENCY SERVICES LEVY

Mr SPEIRS (Bright) (14:42): My question is to the Treasurer. Given that the emergency services levy bill of the Edwardstown Baptist Church Housing Association has increased from \$766.95 last year to \$3,125 this year, resulting in decreased services to low income families and

youth, has he commissioned any modelling on the likely increases in government service provision as result of community groups and NGOs reducing services?

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy, Minister for Small Business) (14:42): I am sure those same people who use that very good service like to use our hospitals and schools, and I am sure many of them are also pensioners who are seeing their council rebate being ripped out by the Prime Minister. Again, I get to this point—

Members interjecting:

The SPEAKER: I warn the member for Unley.

The Hon. A. KOUTSANTONIS: I get to this point, Mr Speaker. Perhaps the member for Bright could go back and say, 'We are so offended by these remissions being removed we are going to reinstate them if we are elected in four years.' But no, cannot do that. That is how offended they are by them. They are so offended by them, but they won't make the commitment—

Members interjecting:

The SPEAKER: Is this a point of order from the member for Morialta?

Mr GARDNER: Yes; it is, sir.

The SPEAKER: What is it?

Mr GARDNER: It is No. 98.

The SPEAKER: I uphold the point of order.

An honourable member: Have you done any modelling?

The Hon. A. KOUTSANTONIS: That was not the question, I believe.

Members interjecting:

The Hon. A. KOUTSANTONIS: You can put this in your report card. We don't do report cards for 12 months; six months only. Mr Speaker, I think those same people who use those services also use our hospitals, also have family who use our public schools. I am sure many of them are also pensioners, so when they looked at their council rates and noticed the \$190 concession was about to be lost because the commonwealth government has made cuts, I wonder what the member for Bright said to them then. I wonder what he said about the cuts to our hospitals and schools. I bet he said nothing.

Ultimately, the government has made its choices. It stands by those choices. These remissions can be reinstated tomorrow. All that needs to happen is that the close personal relationship the Leader of the Opposition has with the Prime Minister can be invoked with a phone call and he can ask him to reverse his cuts to South Australian hospitals, South Australian schools and South Australian pensioners.

EMERGENCY SERVICES LEVY

Mr TARZIA (Hartley) (14:45): Supplementary to the Treasurer: the Altavilla club has brought me their ESL bills which demonstrate that their liability has increased from \$178.70 last year to \$640.50 this year. My question is: does the Treasurer believe that this 258 per cent bill rise, and similar rises for other sports and community clubs, will reduce the viability of community associations across the state?

Mr Marshall: Yes, it will, it absolutely will.

The SPEAKER: The leader is warned. 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) (14:45): It is interesting that the member for Hartley has not raised once the \$4.1 million worth of cuts by the commonwealth to his schools in his electorate. It seems to me that he is very interested—

Mr Marshall interjecting:

The Hon. A. KOUTSANTONIS: I know. I would be interested to know what the member for Hartley's—

Mr PISONI: Point of order sir. This is about the emergency services levy, not the federal budget.

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

The Hon. A. KOUTSANTONIS: Mr Speaker, I would be interested to know what the member for Hartley's emergency services levy bill is.

Members interjecting:

The Hon. A. KOUTSANTONIS: Yes, perhaps he should ask his mum for it.

The SPEAKER: If the member for Hartley's lips move out of order, he will be joining the member for MacKillop, who is welcome to rejoin us. Come back: all is forgiven.

The Hon. A. KOUTSANTONIS: Mr Speaker, it seems to me that the increases to the emergency services levy through the removal of remissions can be reversed at a moment's notice.

Mr Whetstone interjecting:

The Hon. A. KOUTSANTONIS: All it takes is for the commonwealth government to maintain its commitment to our hospitals, our schools and our pensioners.

Mr PENGILLY: Point of order, sir.

The SPEAKER: I have a point of order before the member for Finniss has his. I heard the member for Chaffey's interjection, and he will rise and apologise for it.

Mr GARDNER: I'm not sure you heard it correctly, sir.

The SPEAKER: No, I did hear it correctly. It was reference to a member's mother.

Mr WHETSTONE: Mr Speaker, he made a reference to the member for Hartley's mother.

The SPEAKER: You will apologise now or you will be leaving the chamber.

Mr WHETSTONE: Sir, I would like some clarification around the Treasurer's reference to the member for Hartley's mother.

The SPEAKER: I didn't hear that and, if someone wants to take that point of order, they may. Meanwhile, the member for Chaffey will leave the chamber for an hour.

The honourable member for Chaffey having withdrawn from the chamber:

Mr GARDNER: Point of order, sir. The Treasurer has made a reference to the member for Hartley's mother that the member for Chaffey has unfortunately responded to against your ruling. Earlier today, he made a reference to members being schizophrenic, yesterday he made a reference to someone having Tourette's. These offensive answers are provocative—

The SPEAKER: I will deal with them seriatim, but does someone wish to take the point that the Treasurer is out of order about something that occurred in the last two minutes?

Mr GARDNER: Yes, sir.

The SPEAKER: And what is that?

Mr GARDNER: My point of order is that it is unparliamentary language and offensive language.

The SPEAKER: And what was that?

Mr GARDNER: It was the comment that was made in the reference to the member for Hartley's mother.

The SPEAKER: But what was that?

The Hon. A. KOUTSANTONIS: Mr Speaker, I said the member for Hartley could provide his emergency services bill and, if he doesn't have it, to ask his parents for it. I didn't mean any offence by it at all, sir.

The SPEAKER: I'm sorry, what did the Treasurer say?

The Hon. A. KOUTSANTONIS: To provide his emergency services levy bill. I didn't mean to cause any offence; if I did, I apologise.

The SPEAKER: Good, thank you.

Mr TARZIA: I think we can operate in a much more professional manner moving forward, but I take no offence at that, thank you.

The SPEAKER: Thank you. The member for Reynell.

KANGAROO ISLAND FUTURES AUTHORITY

Ms HILDYARD (Reynell) (14:49): My question is to the Deputy Premier. Can he inform the house about the recent launch of the Kangaroo Island stall in the Central Market and also about other work the government has done to support the island?

Ms Chapman: This could be a very short answer!

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) (14:49): Mr Speaker, I am just going to collect myself after that interjection. Last week—

Mr Marshall interjecting:

The Hon. J.R. RAU: I will discuss it with you later; I'm happy to. Last week, I had the—

The Hon. J.M. Rankine interjecting:

The SPEAKER: The Minister for Education is called to order.

The Hon. J.M. Rankine interjecting:

The SPEAKER: The Minister for Education is warned for the first time. Whether I warn the member for Bragg is up to me, not the Minister for Education.

The Hon. J.R. RAU: Mr Speaker, can I just make the point: before the *IT Crowd* from Schubert start looking this up, no, it's not on there.

Members interjecting:

The Hon. J.R. RAU: Have you tried turning it on and off again? Last week, I had the joy of joining many very significant people from Kangaroo Island and from the South Australian food and tourism industry in the Central Market for the official opening of the first Kangaroo Island regional produce store. I am delighted that, with the launch of Island Pure, there is now a stall giving small island producers new opportunities to bring their produce literally to market side by side with more established island favourites, including Fryar's Free Range Eggs, Island Pure Sheep Dairy and Island Beehive.

Mr Marshall: How about Ferguson's seafood?

The Hon. J.R. RAU: They're there too. Yes, Ferguson's are there.

Members interjecting:

The Hon. J.R. RAU: Hardy har har! Anyway, back to the story. The stall—

Mr Pisoni interjecting:

The SPEAKER: The member for Unley—

Mr Pisoni: Sorry, sir.

The SPEAKER: Is the member for Unley truly sorry?

Mr PISONI: Yes.

The SPEAKER: Thank you.

Mr Marshall: From the bottom of his heart, sir!

The Hon. J.R. RAU: His colleagues are. I think it's actually the member for Kavel using his skills as a ventriloquist. The stall proudly bears the Kangaroo Island banner, which was facilitated by the Kangaroo Island Futures Authority working with the community and industry. I would like to acknowledge and thank Justin Harman, not only for his efforts in making his store a reality but also for his commitment to the island and his work on KIFA. Through KIFA, I am advised the government's considerable volume of work undertaken over the last few years includes:

- the development of a KI structure plan and associated development plan to help support a sustainable economic future based on tourism, agriculture and balanced with the protection of the island's natural resources;
- the development of a Kangaroo Island brand, an internationally recognised brand framework, an alliance group with membership 100 per cent island-based and an independent chair;
- coordinated and integrated solutions for island forestry decision-making now and into the future;
- the first community housing strategy for Kangaroo Island. KIFA, council and government and community leaders have worked together to deliver appropriate housing for the community;
- coordinating of SATC and DEWNR to commence the building of a five-day 57-kilometre walking track that will highlight spectacular scenery in the national parks of south-western Kangaroo Island; and
- the Rockhopper public transport service as a result of a partnership between KIFA, DPTI Transport Services, Kangaroo Island Council, and SeaLink.

I encourage all members to visit and experience the stall for themselves very soon.

The SPEAKER: I would like to thank the member for Finniss for his restraint during that. The member for Goyder.

VOLUNTEER FIREFIGHTERS, WORKERS COMPENSATION

Mr GRIFFITHS (Goyder) (14:53): My question is to the Minister for Regional Development. With the additional \$90 million that the government is raising from increases to the emergency services levy, does the minister support using part of this new revenue to provide equal cancer compensation to volunteer firefighters?

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy, Minister for Small Business) (14:53): The emergency services levy is within my purview, and questions about it should be forwarded to the Treasurer.

Members interjecting:

The Hon. A. KOUTSANTONIS: The Premier is allowed to answer any question he likes—he actually runs the government.

Mr Tarzia interjecting:

The SPEAKER: Could I remind the member for Hartley of what I cautioned him about not five minutes ago. Treasurer.

The Hon. A. KOUTSANTONIS: The emergency services levy covers a spectrum of services as outlined in the emergency services act. If the government wishes to add to that, we will do so through the parliament or by regulation. The government at this stage is not planning any changes. If we were to make changes, there is a process to go through that includes the Economic and Finance

Committee, and that includes processes of parliament. There are safeguards that were established when the levy was first introduced by the then Olsen government by amendments that were moved by the parliament to ensure that changes made to emergency services are safeguarded. So if the government does have plans to do any other work, obviously the diligent hardworking members of the Economic and Finance Committee, who read their papers thoroughly every time they get them, will be the first to know.

The SPEAKER: Supplementary, member for Hammond.

VOLUNTEER FIREFIGHTERS, WORKERS COMPENSATION

Mr PEDERICK (Hammond) (14:55): My supplementary is to the Premier. In reference to the Premier's commitment to the member for Frome to undertake a review of providing equal cancer compensation for CFS volunteers, at what stage is this review?

Members interjecting:

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) (14:55): We like to keep the element of surprise so that you never know who will pop up.

The SPEAKER: The Spanish Inquisition.

The Hon. J.R. RAU: The situation is this: there was an undertaking given by the government to the member for Frome that there would be a serious piece of work done which would involve the member for Frome and my other ministerial colleague, the Minister for Police and Emergency Services obviously, looking at what alternatives might exist to some of the proposals that have been floated around and what solution might be found—

Members interjecting:

The Hon. J.R. RAU: I have just been checking but the sands through the hourglass haven't quite reached six months yet but we are working on this matter and, indeed, can I say—

The Hon. J.J. Snelling interjecting:

The SPEAKER: The Minister for Health is called to order.

The Hon. T.R. Kenyon: He's been doing it all day, sir, I'm very glad you did that.

The SPEAKER: The member for Newland for pointing that out, I warn him for the first time.

The Hon. J.R. RAU: We are working this through and in fact just to tell you how current this is, there was to have been a meeting between minister Brock, minister Piccolo and myself yesterday to talk about—

The SPEAKER: Minister for Regional Development and police minister would be good.

The Hon. J.R. RAU: Indeed, both of them indeed, to talk about this very matter, but due to the fact of me being required here, and I think from memory one of the other ministers had a problem, we weren't able to have a meeting and have a chat about this matter. But it is at that pointy end that we are reaching at the moment, so I expect that we will have something to report back publicly very soon.

Ms Chapman interjecting:

The Hon. J.R. RAU: You will just have to wait and see.

Mr PEDERICK: Supplementary?

The SPEAKER: No; member for Giles.

GRAIN CROP

Mr HUGHES (Giles) (14:58): My question is to the Minister for Agriculture, Food and Fisheries. Can the minister inform the house about the state's current grain crop and how the season is progressing?

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) (14:58): I thank the member for Giles for the question, a very important question to all South Australians. Since we last updated the house things have come off a little bit after one of the driest Augusts on record and also combined with some of the coldest minimum temperatures we've seen on record in many parts of the state. In fact there is a band from across Northern Eyre Peninsula, Northern Yorke Peninsula, the Upper North, the Mid North and northern Mallee where they had the coldest August minimum mean temperatures on record.

That has, I guess, pulled things back a little, and last time I updated the house we were looking at a crop of about 7.9 million tonnes and now we are looking at a harvest of about 7.6 million tonnes. It has come back in a little bit but it is still ahead of a 10-year average which would give us the sixth harvest in a row that would be ahead of the 10-year average of 6.5 tonnes, but down on last year's massive crop which, of course, was the third biggest harvest on record in South Australia.

Some of the other good news in the report which we will be releasing this afternoon is that the effects of the beet western yellow virus are not as bad as first thought, because it hit fairly early in the season and people were able to put in other crops or replant, so that is good news indeed. The estimated value of this harvest is about \$1.8 billion at the farm gate which is terrific news for the farmers and we know that, particularly when we have so many good seasons in a row, that money goes back into our economy right across the state.

It was terrific to catch up with many farmers from across the state last week at Grain Producers SA's annual general meeting and also to talk with a lot of the journalists at the rural media breakfast down at the Royal Adelaide Show last week and to hear their anecdotal stories about how things are going. The export value of the crop is predicted to be around \$2.3 billion, but you can never count your money until all the wheat and the other crops are in the silo.

These predictions are predicated on average weather conditions over the next month or so. Talking to a lot of the farmers around the place, what we need is about another inch of rain in many parts of the state, so if everyone can cross their fingers, do their rain dances and say a little prayer that the farmers get those great finishing rains, it would be terrific news not just for those regional communities but indeed for everyone in South Australia.

Something else that we have done in the last week was get together with many of the members of the opposition and the Minister for Transport and people from the logistics areas. We had Viterra, Genesee & Wyoming, the Freight Council and Grain Producers SA around the table. The minister for regions was there, of course. We were sitting around the table to try to work out what is the future for getting grain to port in South Australia, particularly when you look at the Mallee. We know that Genesee & Wyoming are keen to get out of rail and that would cause a lot of problems for our road network.

I think it is a terrific example of how people from both sides of the house can work together on this very important thing. We are also looking at the future of Eyre Peninsula to ensure that we do not have a whole heap of trucks going down the foreshore in Port Lincoln to get to the silos over there. It is important work and I thank those opposite for looking after their communities and working together with us.

GILLMAN LAND SALE

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (15:02): My question is to the Minister for Planning. I forget which area he is in; what is he the member for?

Mr Gardner: Enfield.

Ms CHAPMAN: That's right; he is the member for Enfield. Is it a requirement—

The SPEAKER: You could not ask a question of him in his capacity as the member for Enfield.

Ms CHAPMAN: I could, but—

The SPEAKER: Only in very limited circumstances.

Ms CHAPMAN: —but I will be asking him as the Minister for Planning, sir.

The SPEAKER: Good.

Ms CHAPMAN: Is it a requirement of the Gillman option agreement that a resources hub be built in the first stage of the development?

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) (15:03): I will take that question on notice.

Ms Chapman: You did once before.

The Hon. J.R. RAU: Yes, and I will take it on notice again because, when you last asked this question, we were at a point in time where the option period had not crystallised. It now has crystallised. We are also in a position where, as I explained in the ministerial statement, there are some matters which are the subject either of intellectual property owned by ACP or the subject of—

Ms Chapman interjecting:

The SPEAKER: The deputy leader is warned a second time.

The Hon. J.R. RAU: I am very happy to try to provide an answer for the deputy leader but I am going to check with the Renewal people about what exactly I am able to say within the confines of the confidentiality arrangements that exist. To the extent that I am able to say anything, I am happy to provide the information and I will check what I can say.

Ms Chapman interjecting:

The Hon. J.R. RAU: As I said, it will take as long as it takes, but you will get an answer. One way or another, you will get an answer.

EMERGENCY DEPARTMENTS

Mr MARSHALL (Dunstan—Leader of the Opposition) (15:04): My question is to the Minister for Health. Over the past two years why have the Flinders Medical Centre and the Royal Adelaide Hospital emergency department clearance rates slipped to be in the worst performing 10 per cent of major metropolitan hospitals across the entire nation?

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Arts, Minister for Health Industries) (15:04): We had the Hon. Mr Wade blackguarding the Flinders Medical Centre this morning on radio. I completely and utterly reject what the opposition is saying: that there has not been considerable improvement in the performance of the Flinders Medical Centre. In particular, the Flinders Medical Centre has had significant improvement in its emergency department performance, particularly in getting patients seen quickly and getting them quickly admitted into a bed.

Of course, particularly given the flu season—and we are encountering at the moment the worst flu season since the swine flu pandemic of 2009—our emergency departments are under incredible pressure at the moment. As I said before, I pay tribute to the doctors and nurses in our hospital system who are working incredibly hard under very trying circumstances given the enormous number of presentations we have seen. I will not stand here and listen to members of the opposition, who had nothing to say about health at the last election, blackguard our hardworking doctors and nurses.

Mr MARSHALL: Supplementary, sir.

The SPEAKER: Leader.

NURSE STAFFING LEVELS

Mr MARSHALL (Dunstan—Leader of the Opposition) (15:06): How many nursing jobs are being cut by the government across the forward estimates?

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Arts, Minister for Health Industries) (15:06): It will depend

on what happens with the commonwealth and if the commonwealth persists in its \$655 million cuts to our public hospitals. If the Leader of the Opposition cares the least about our nurses and our doctors, he will have the guts to stand up to Tony Abbott for once, rather than being Mr Wobbly.

Mr MARSHALL: A further supplementary, sir.

The SPEAKER: I think it would be best—before the leader asks (and I am going to give him his question)—if the minister withdrew the term 'Mr Wobbly'.

The Hon. J.J. SNELLING: If the Leader of the Opposition takes offence, of course, sir, I withdraw.

The SPEAKER: It would certainly be unparliamentary in Rajasthan. Leader.

NURSE STAFFING LEVELS

Mr MARSHALL (Dunstan—Leader of the Opposition) (15:07): As the corrections department reversed cuts to 49 prison officers, has the Minister for Health lobbied the Treasurer to reverse the cut of 200 nurses that is factored into the state's health budget?

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Arts, Minister for Health Industries) (15:07): The opposition cannot have it both ways. On the one hand they are criticising the emergency services levy which, of course, is offsetting the massive cuts inflicted upon the health system by the federal government. They will criticise the ESL for the removal of the remissions.

Members interjecting:

The Hon. J.J. SNELLING: I know you don't like to hear it—run away, run away, run away. They don't like to hear it. The simple fact is that—

Mr GARDNER: Point of order, sir.

The SPEAKER: Is the point of order going to be that the Minister for Health should not refer to the presence or absence of the leader in the chamber?

Mr GARDNER: I was actually going to say that he shouldn't be reflecting that you don't like being here, sir.

The SPEAKER: Yes, well, thank you.

The Hon. J.J. SNELLING: If the Leader of the Opposition doesn't like to be here, sorry sir.

Mr GARDNER: Point of order, sir.

The SPEAKER: Yes.

Mr GARDNER: Now the member is debating.

The SPEAKER: Has the minister finished?

The Hon. J.J. SNELLING: I conclude on this point: the opposition cannot have it both ways: they either support what the government is going to do with the ESL or they say that we should cut even harder into our health budget because of the amount of money that has been removed by Canberra.

Grievance Debate

LEWIS, DR FELICITY-ANN

Mr SPEIRS (Bright) (15:09): Yesterday at 12 noon the nominations for the upcoming local government elections closed and southern suburbs residents became aware that the Mayor of the City of Marion, Dr Felicity-ann Lewis, would not be recontesting her position.

Felicity-ann Lewis is metaphorically a towering figure in South Australia's local government landscape, having first been elected to serve on Marion council as a councillor in 1997 before replacing mayor Colin Haines in that position in the year 2000, and she has held the position of mayor since then.

When mayor Lewis took office, it is fair to say that the City of Marion was in a very poor state, heavily in debt and saddled with outdated community infrastructure. She has overseen a council which has undergone significant internal reform and delivered massive improvements in community facilities. Some of the achievements Felicity-ann has been instrumental in making happen in Marion include:

- the development of the State Aquatic Centre, which has risen out of the soil at Marion in recent years and is now a key piece of sporting infrastructure in our state;
- the Hallett Cove community centre and library and enterprise hub, which is currently under construction at Hallett Cove;
- the Patpa Drive connector road, which runs between Sheidow Park, Trott Park and Hallett Cove and has opened up a significant amount of development in the Hallett Cove area in the south of the City of Marion;
- the Glade Crescent Reserve upgrade;
- the Oaklands wetlands water recycling project;
- the upgrade to Hallett Cove foreshore, which is scheduled to occur soon; and
- a major upgrade to the City of Marion's council depot.

As well as those physical improvements, she has led a focus on health promotion within the community, driving the OPAL program, working on significant programs to further reconciliation and developing multicultural programs to recognise Marion's increasingly diverse local community.

Local government is just one aspect of Felicity-ann's life. She is a strong advocate for a healthier society and achieved a doctorate of education for her work in this area on 20 June 2013. She completed her doctorate while also holding the multiple roles of mayor of Marion, the President of the Local Government Association of South Australia and latterly also as the national President of the Australian Local Government Association—a position which gave her an influential seat to discuss the priorities and needs of local government at the Council of Australian Governments.

These voluntary commitments were all undertaken while she continued her duties working as a senior lecturer in education at Flinders University. I believe that these multiple roles she has diligently completed are a testament to her energy, enthusiasm and talent. The breadth of her work can really be seen in a résumé which includes published works, which shows again the depth of her abilities in local government and also in academia.

I think it is worth discussing Felicity-ann's contribution as president of both the South Australian Local Government Association and also that very significant role as president of the Australian Local Government Association. During her time as president of that organisation, she was able to really be the public face and driver of the movement to have a referendum to recognise local government in the Australian Constitution. No matter our political position or our personal position on a move like that, the energy and enthusiasm Felicity-ann brought to that important role should be recognised and must be recognised.

Felicity-ann's retirement from council is a significant loss to my electorate and a significant loss to the southern suburbs of Adelaide, yet she has achieved a rare feat in politics and left at a time of her own choosing, leaving a phenomenal legacy in community development and to local government in South Australia. I would like to pay tribute to her today, thank her for her service to the Marion community and wish her all the best for the future.

SUICIDE PREVENTION

Mrs VLAHOS (Taylor) (15:13): In the lead-up to Mental Health Week, which is 5 October to Saturday 11 October, and the recent World Suicide Prevention Day on 10 September, I would like to speak about a group of people I had the good fortune to meet with on Monday with the Premier and the Minister for Health at Strathalbyn as part of the community cabinet.

I was fortunate enough to meet the Strathalbyn Community Suicide Prevention Network with the Premier and the minister, and we had a fantastic opportunity to talk with local GPs and network

members about the Strathalbyn area and some of the challenges they have had most recently. Two people who were at that meeting were from the Beyond the Darkness Postie Run. These two gentlemen who represented the postie run that had recently finished were Nick Grosvenor and Brad Overall.

The postie run started out as an idea by two boys who decided they wanted to raise \$10,000 for charity and take a group of men 4,200 kilometres up the centre of Australia on postie bikes. It became way bigger than they imagined and to date they have raised over \$65,000. The charity money will go to *beyondblue* and some of that money will come back into the local area to assist the Strathalbyn community deal with a small group of suicides that have occurred there recently with their community members.

Certainly the suicide of a mate triggered the idea of the boys getting together and talking about depression and depression awareness, and that is the basis of the R U OK? Day campaign that recently occurred on 11 September. That is when community members are encouraged to reach out to their friends, loved ones and colleagues to check that they are travelling okay, to know that it is alright to talk about these things, and the context in which suicide prevention and depression can be dealt with in a normal way within society rather than hiding it, resulting in a terrible consequence not only for the person suffering it but also the community and their loved ones around them if they go down a dark path.

I would like to note this parliament's appreciation to Cliff Sweetman, the chairperson of the Strathalbyn Community Suicide Prevention Network; Dr Jim Wilhelm, a member of the core group and local GP who spent some time talking to me after the meeting; Brenton Lewis who is a volunteer at the network; Gwenda Knights, who is the treasurer of the network; and also I would like to particularly recognise the gentlemen who went off on the ride. They have done a fantastic thing for the local community, indeed, for South Australia—knowing who your wingman is and staying engaged with your mates throughout life and checking that they are okay and they are travelling okay, whether it is husbands, wives, partners, friends, sons or daughters. As a community we have an obligation to each other to care for each other in a healthy community.

ROAD SAFETY

Mr TARZIA (Hartley) (15:16): I rise today to note serious road safety concerns within my electorate, particularly problems associated with Payneham Road and surrounding roads. I note the recent crashes in the area. Let me just say I acknowledge and welcome the current reconstruction of an intersection close to this road, being the Glynburn and Magill Road intersection, and I thank the member for Bragg who, when I was a candidate at the last state election, rallied and lobbied the current government and the local councils with me to upgrade that intersection. I am pleased to say from all accounts it is on track and looking good.

At the last election I also made a commitment to our local residents affected by particularly high volumes of traffic on Payneham Road and surrounding roads that I would fight for, amongst other things, a widening of the road to allow for greater traffic flow to the Glynde Corner. Glynde Corner is the major intersection in Hartley and it is one of the key arterial intersections leading from the Adelaide CBD to the north-eastern suburbs. When Payneham Road was constructed there was certainly little foresight and understanding of the property growth that was to occur and has occurred in the north-east over a number of decades, and it has certainly been a growing issue for some time for my constituents. One only has to visit the road during peak hour traffic in the morning or after work to see that problem at the moment.

Payneham Road is actually now at a point, I believe, where congestion and public safety for all commuters and users of public transport are so bad that travel time has been jeopardised. The safety of residents who live alongside Payneham Road is affected as well. In my opinion, congestion during peak hour on weekdays particularly but also on weekends is unacceptable. Honourable members will note that I am circulating a petition at the moment and I intend to present it to the house encouraging the Department of Planning, Transport and Infrastructure (DPTI), to present a road management plan for the future of the road and surrounding roads. I look forward to working with the department, the local councils and the relevant minister in the coming months and years.

Over the last few months in particular there have been serious traffic collisions on the corners of Payneham Road, Glynburn Road and other arterial roads in the electorate, and these incidents have occurred with sometimes very serious injuries to motorists and pedestrians. Whilst these incidents are not necessarily a direct result of the problems with these roads, we cannot rest on our laurels. There is certainly more that we could be doing, as an opposition and as a government. These are not isolated cases and I believe it is incumbent on us all to help solve serious issues of road safety when we see fit.

The problems associated with Payneham Road do not just extend to commuters. The quality and safety of some of our local roads in Hartley are also in need of urgent repair and review. Local residents in the suburbs have raised concerns with me and my office about the safety of through roads that are often used by motorists to avoid the congestion of Payneham Road and other arterial roads during peak hour. I particularly highlight the problems associated with Barnes Road in Glynde and Arthur Street in Payneham, as well as many others.

I would like to assure those local residents that I will certainly be discussing these issues in greater detail in the future and I look forward to the support of the government in solving these road safety issues down the track.

SOUTHERN SCIENCE EXPO

Ms DIGANCE (Elder) (15:21): On Thursday 21 August, I was privileged to represent minister Rankine at the third Southern Science Expo held at the Tonsley Park TAFE for the very first time. As many commented, it was a most appropriate and vibrant venue. This year's Advanced Technology Industry School Program saw an innovative and varied range of projects. Thanks goes to Liz Mead, principal, Aberfoyle Park High School, for her lead role in this event and her passion in promoting student learning in the STEM subjects of science, technology, engineering and mathematics.

Throughout the year, students from Aberfoyle Park High School, the Australian Science and Mathematics School, Blackwood High School, Hallett Cove School, Reynella East College, Seaview High School, Unley High School and a secondary school in my electorate of Elder, Hamilton Secondary College, have been immersed in research relating to the design, construction and testing of a wide variety of contemporary engineering solutions.

About 130 secondary school students gathered with the opportunity to present the results of their work to some 200 years 6 and 7 primary school students, as well as expert judges, of which I was pleased to be one. The students demonstrated the work they had conducted in fields including: 3D printing; robotics; energy-efficient housing; Concept2Creation, focusing on quadcopters; Lego robotics; data loggers; solar cars; and water rockets, to mention but a few.

The visiting primary school students had the opportunity to interact with over 30 hands-on exhibitions, therefore igniting their scientific passion. They also had the opportunity to vote for the best display based on the criteria of presentation, explanation and interactivity. The winner of this section was the data logger display by Unley High School, with the runner-up being Hamilton Secondary College with their Concept2Creation display. Each school also nominated one exhibition for judging by the expert judges based on the level of innovation. Again, congratulations to Hamilton Secondary College with their Concept2Creation display, as they took out this award too.

I would like to thank the teachers and students of all the schools involved. A special mention must go to the students who presented each of the projects on show and their comprehensive ability in explaining their projects. Congratulations also to the successful participants. Firstly, Unley High School and, secondly, Hamilton Secondary College, which, under the guidance of the wonderful staff and principal, Peter Mader, were fortunate on this occasion to come away with two awards. A special mention to principal Peter Mader for his commitment and passion to Hamilton Secondary School overall as he moves on to another challenge at the end of this term. I wish him the best for his future. It was a fantastic event and I was really pleased and privileged to attend. I look forward to next year's science expo.

DEMENTIA

Mr GARDNER (Morialta) (15:24): This afternoon I would like to talk a little bit about dementia and what we can do, as members of parliament, to ensure that our community is more accessible for people living with dementia and their families. September, as many members, I imagine, would know, is Dementia Awareness Month. There are more than 332,000 Australians living with dementia. Without a medical breakthrough the number of people living with dementia in Australia is expected to reach 900,000 by 2050, and each week there are 1,700 new diagnoses of dementia in Australia. That is one person every six minutes, and 170 people per week in South Australia alone.

There are over 100 different types of dementia. Alzheimer's disease is the most common and responsible for about 60 per cent of cases. There are 24,700 people in Australia living with younger-onset dementia, a diagnosis of dementia under the age of 65, including people as young as 30 years old. Three in 10 people over the age of 85 and almost one in 10 people over the age of 65 have dementia, and 1.2 million people are involved in the care of a person with dementia.

The point I make with the statistics is that dementia is prevalent broadly across Australia. I doubt whether there is a member of this house who does not have a family member or a close friend who has lived with dementia or has lived with someone living with dementia. It is the third leading cause of death in Australia and there is no cure. According to the Alzheimer's Australia website, on average symptoms of dementia are noticed by families three years before a firm diagnosis is made, so families are a critical part of the conversation we need to have when we talk about dementia and dementia-friendly communities.

At the last election the federal government promised \$200 million for research to continue work on ways to prevent or cure dementia in their policy for dementia research. I do not mean to be partisan in this way, because I know that many members of the Labor Party are also deeply concerned about this, and I encourage all members of the house to look into becoming a Dementia Champion, as I am and as the Leader of the Opposition is. I am also aware that the member for Bright is already in the process of becoming one.

I note that several weeks ago the member for Bright, as part of the excellent work he does in that community, held a dementia forum in his electorate which was attended by over 100 people. He has inspired me to organise a similar forum in Morialta, which I will be doing on Tuesday 25 November, hopefully at the Campbelltown Function Centre at 2 o'clock, in partnership with Alzheimer's Australia, and I would like to thank them for the work they are doing and the work they are willing to do with other members in relation to supporting dementia-friendly communities.

The question we need to ask is this: what can a dementia-friendly community look like? Short of there being a cure in the near future, the thing we have to do is look for ways we can help people to live with dementia. People living with dementia need to feel like they still belong to the community, their social networks, their clubs and, importantly, that they have a role to play and a sense of purpose. A dementia-friendly community is one where the wider community is dementia aware. Education is important, and education about how to help people they may confront who have dementia. It also helps to reduce stigma and myths.

A dementia-friendly community is a place where what a person can do is the focus and not what they cannot do, where a person is not hidden away or ignored because people are ignorant or uncomfortable speaking to them or dealing with them or helping them. It is a community where the physical environment also enables people to get out and about safely, and where support services are helpful and enabling.

I encourage families of people living with dementia in my electorate of Morialta to come and talk to my office staff if they require assistance. At the beginning of this year I was very sorry to lose a long-serving staff member in Raelene Zanetti, who would be known to many people in the house for her work over many years. However, I am very pleased that Sarah Hennessy has joined my office team, working on Mondays, Tuesdays and Wednesdays. Sarah is a social worker who worked for nine years with Alzheimer's Australia, and she is a fount of knowledge for people in the community who require information about things they can do in their lives, groups they can organise or events they can be involved with to help make our community dementia friendly. I encourage all members of parliament to look into doing this sort of activity.

ABC AND SBS FUNDING

Ms WORTLEY (Torrens) (15:29): At lunchtime today, out the front of the ABC at Collinswood, there was a rally, and there was a very good reason for this rally. It goes back to 6 September 2013 when Prime Minister Tony Abbott looked into a camera and told Australians about his plans for the ABC and SBS. What he, in fact, said was: no cuts to education, no cuts to health, no change to pensions, no change to the GST and no cuts to the ABC or SBS.

Since that time, the Abbott government has cut more than \$240 million from the ABC and SBS. As the shadow minister for communications said, 'He abolished the Australia Network [a network that] was reaching out to 167 million households, giving our important Asian neighbours and the world an insight into Australian life and values.'

In the space of one year, the Abbott government has gone from no cuts to the ABC or SBS to 'the savings being sought from ABC and SBS are substantial'. Over \$40 million has already been stripped from the ABC core budget and the Australia Network is gone. What, then, of our home state of South Australia? The impact could mean the direct loss of 100 ABC jobs in addition to 40 jobs in our local production industry.

I am concerned, and so were the people who attended today's rally and the 250,000 who have already voiced their concerns by signing a petition against the Abbott government cuts. It is our ABC and those opposite should be going to their federal Liberal colleagues and saying that these cuts are not justified and should be reversed.

Members interjecting:

Ms WORTLEY: I really do urge those opposite to hear this, because the impact on South Australia—and I am assuming that is what you are there for—are significant. Australians trust the ABC. They know its independence and ability to deliver the Australian story through reflecting Australian culture, but its ability to deliver local, national and international news will be impacted by these budget measures.

Those opposite need to ask themselves these questions. If they are there for South Australia, they need to ask: what level of impact will this have on rural news broadcasts by the ABC? What would we have without rural news? What about emerging Australian bands? How could they gain recognition without triple j *Unearthed*? What about the academic and intellectual debate on the airwaves? What of the job losses, and the opportunity for journalism graduates from the University of South Australia?

The impact of the Abbott government cuts are, and will continue to be, far reaching and could include, in South Australia, impacting on news rooms—this is national, not just South Australia—payroll corporate service and administrative cuts, outsourcing of TV production to the private sector, outsourcing of back-of-house functions, a potential merger of some ABC and SBS staff, and outsourcing of ABC staff being centralised to a company.

The ABC has always been about quality independent journalism, and these cuts threaten the essence of the national broadcaster's being. Dismantling the ABC or subjecting it to a death by a thousand cuts is a desperate and dangerous move by our federal government. The ABC is critically important to our nation. It fulfils roles no-one else can. Our ABC is of huge cultural importance for the role it plays in the arts in reflecting Aboriginal and Torres Strait Islander culture and in national debates they matter to individuals, to our community and to our nation.

I would like to speak briefly on a pledge that was put up today, and it is one that I would like to sign up to and ask those opposite to do so as well. It reads:

I know that Australia's independent public broadcaster is crucial to the life of our nation. Australians rely on the ABC for independent news and current affairs, programs that reflect our diverse culture, quality entertainment depth and innovation, services for rural Australians and the promotion of Australia in our region. I support the goal of maintaining a vibrant ABC with funding to thrive and remain commercial free. I pledge to uphold the ABC's independence by doing everything in my power to ensure the federal government honours its pre-election promise not to cut ABC or SBS funding.

*Bills***STATUTES AMENDMENT (LEGAL PRACTITIONERS) BILL***Final Stages*

The Legislative Council agreed to the amendment made by the House of Assembly without any amendment.

COMMISSIONER FOR KANGAROO ISLAND BILL*Committee Stage*

In committee (resumed on motion).

Clause 7.

Mr GARDNER: Given that the house is lacking both a quorum and, in particular, one member, I fear I have to draw your attention to the state—

The CHAIR: I do not think it is going to be necessary because I think people are aware. I think we just going to start off. I am going to remind everyone—

Members interjecting:

The CHAIR: It is okay; let's contain ourselves.

Members interjecting:

The CHAIR: If there could be some goodwill; no-one is going to do anything that is unnecessarily unpleasant. I just remind everyone we are up to clause 7, and the member for Goyder, as I recall, had asked a question, or needed another question. Are we happy with clause 7 now?

Mr GRIFFITHS: I believe my question was about performance reviews, but the minister provided a suitable answer.

The CHAIR: So we are recapping and moving directly to the deputy. I remind the deputy that the Speaker has left me a list of lots of ticks and crosses against your name.

Ms CHAPMAN: I hope more ticks than crosses, Madam Chair.

The CHAIR: Well, it is not looking good. I just do not want you to leave us prematurely this afternoon.

Ms CHAPMAN: No; I am going to be on my very best behaviour—

The CHAIR: I knew you would be if I reminded you.

Ms CHAPMAN: —for the next two hours and 20 minutes.

The CHAIR: For that long? Could we not move a bit faster?

Ms CHAPMAN: Actually, I do not want to promise that far ahead. Perhaps the first 25 minutes.

The CHAIR: Questions?

Ms CHAPMAN: In respect of the terms and conditions of appointment of the proposed commissioner, my understanding from the briefings is that this person is likely to live in Adelaide, but assurances were given that they will regularly visit Kangaroo Island. Of course, under the previous amendment, as followed, there should be a commercial experience obligation and a knowledge of the workings of government. I was curious to read in the paper this morning that you expressed some concern about the opposition to the bill and that the appointment of the commissioner is not being done for any political reasons.

Minister, you are quoted as saying, 'The last person who voted Labor on Kangaroo Island is in the museum next to the thylacine.' It did concern me because it was reported in the paper, consistent with an article about the opposition of the Liberal Party to this and your championing of the suggestion that the commissioner bill had nothing to do with politics. I was not quite sure why

your quote was put in there or why this was the response. I want be clear about it. Assuming that any of the 625 Labor voters on Kangaroo Island at the last election did have commercial qualifications and a knowledge of government, are you saying that they would be excluded from consideration as a candidate for commissioner?

The Hon. J.R. RAU: No; I am delighted to hear there are that many Labor voters on the island and that my information about there being none is incorrect. Any Labor voter, any Liberal voter or, indeed, any thylacine that wish to apply would be most welcome, and that would not be a relevant consideration.

Ms CHAPMAN: I am not quite sure how a thylacine would actually have the qualifications of commercial experience or a working knowledge of government but, assuming they were able to present a certificate or a curriculum vitae that did accommodate that, I look forward to having the opportunity to observe the interview process; it would be most interesting. I do not have any other questions on terms and conditions of appointment, Madam Chair, you would be pleased to hear.

Clause passed.

Clause 8.

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

Amendment No 3 [AG-1]—

Page 4, after line 35—After paragraph (a) insert:

- (ab) to provide appropriate assistance to residents and businesses on Kangaroo Island in dealing with government agencies (with a view to ensuring co-ordinated delivery of infrastructure and services to such residents and businesses);

Mr GRIFFITHS: When I look at the words, I think I can refer back to my original contribution on this where I think fine words have been said about some things. I understand completely the intent of the amendment for the provision and the coordination of services on the island, so I am not about to dispute the words themselves. I suppose for us in opposition there is a wider argument that has been made about the method of delivery, but on that basis I am prepared to indicate that the opposition supports the amendment.

Mr PENGILLY: I am seeking some sort of example from you on the words 'appropriate assistance' and how the commissioner can actually decide what is appropriate, particularly to a private business as opposed to the public entities, which obviously fall under the Public Service. I am wondering if you can give an example or two of how you see this occurring.

The Hon. J.R. RAU: It is a fair enough question.

Mr Pengilly: Thank you.

The Hon. J.R. RAU: The idea here is that the commissioner should, amongst other things, be a person who attempts to assist residents in negotiating what might otherwise be difficult bureaucratic hurdles or avoiding red tape or whatever the case may be. There are other places in government where you have effectively what is called 'case management' of things to help people go through various processes. To pick on an example—and this is just at random, but it is an example that quite possibly might arise on the island—the island, as you know, member for Finnis, has a large amount of native vegetation. The Native Vegetation Council, I do not think it is any secret, can be quite dogmatic at times and impose or require outcomes which to those of us who are not entirely au fait with it consider to be slightly strange—

Ms Chapman: Doesn't the Mayor of Kangaroo Island sit on the Native Vegetation Council?

The Hon. J.R. RAU: I am just trying to give you a hypothetical example—and if there came to be some conflict there which could be resolved by, for example, the conflict being elevated from a level near the bottom of that bureaucracy to a level higher up, and the commissioner by picking up the phone could ring whoever was higher up and say, 'Look, there's a problem here. Can you please just have a look at it and see whether it needs to be a problem,' I cannot see why that would not be a good thing.

That is basically what was in mind. It could be getting information, it could be drawing the attention of a person, a person might be trying to do something on the island and they are hitting a brick wall with various agencies for whatever reason or their point of view does not appear to be acknowledged or understood. I have discovered that in government sometimes that is because the person who is dealing with the matter is at a level in government where they are risk averse because of their junior standing.

A more senior person is prepared to make a decision. A more junior person confronted with an issue might think, 'If I make a wrong decision, I'm going to be in trouble,' so the default position is, 'Well, I'm going to say no because I can't get into trouble if I say no.'

An honourable member: Maybe.

The Hon. J.R. RAU: Maybe. It is intended to be a facilitative opportunity, and members of the community on the island will take it up and use it as and when they wish and it will either achieve outcomes or it will not. I think it will be useful.

Mr PENGILLY: I raise the issue for the very good reason that those issues are exactly what my office deals with all the time. I will give you a recent example and, as you well know, you have assisted me in Coroner's matters and so forth. I deal directly on that, but can I give you an example I have currently before me with a constituent. I will give you an example, and I would like to get some feedback from you on how the proposed commissioner would fit into this.

Just recently, a farming family received a visit from the local police officer one night, unannounced. The police officer went in and said, 'Your firearms licence is out of date; you haven't renewed it. This is your second offence.' He seized the firearm and basically terrified the family. It is not the officer so much at fault here; I believe it is the firearms section. He took the weapon and off he went. I wrote to the relevant minister and pointed out what was going on, and the minister wrote back and said, 'The Police Complaints Authority are dealing with it.'

I would like to see how a commissioner would answer this, or what role you think the commissioner would play as against that of the local MP. The situation is that this lady runs the farm while her husband works to keep the kids in school. She has the firearms licence. She had overlooked it. They are very good people, and she had overlooked it in her busy life. The next thing she knows is that she has the police firearms section sending the police out to seize her weapon.

I find it absolutely ludicrous. She had not committed a previous offence at all. Now she does not know where she is. She rang me again yesterday. She uses that firearm for putting stock down if she needs to. She uses it for snakes around the house and for other things. They are in tears, actually, over this. This is a very good family. How do you see the commissioner coming in on a role such as that, which is already handled by the local MP?

I have not quite finished, if you don't mind. Quite seriously, we and other MPs get a multitude of inquiries that come through our office, which we deal with directly with ministers and chiefs of staff who are generally speaking always very helpful. I just see that you are trying to duplicate the role, and I wonder why you seek through this legislation to attempt to neuter the role of the local MP. I do not think it will, I might add.

The Hon. J.R. RAU: Any suggestion that this is there to neuter the role of the local MP is complete nonsense. In fact, the role of the local MP is quite separate and distinct from this and this does not touch upon it in any way. This particular amendment, you would appreciate, was not in my original bill and it is here because, in community meetings I had on the island, I was requested to make sure that the commissioner would be able to continue to provide the sort of advocacy and assistance from KIFA they had previously enjoyed and still currently enjoy.

That is the only reason this is in there. I was asked by people on the island to insert it in there, and I would assume that in matters such as the one you have just described, there is no way on God's earth anyone would bother talking to the commissioner about it because it clearly has nothing to do with any of those plans that might be there or anything else.

Having regard to the fact that the commissioner is there to assist in economic development, etc., people are at liberty to ask the commissioner to assist if they wish. If the commissioner can assist, well and good. They are welcome to ask the local member as well or instead of the

commissioner. That is fine too—no problem. But it is certainly not intended to cover all manner of things that members of parliament deal with. That has to be read in the context of the objects of the act, and the objects of the act are not about controlling firearms or managing interactions with SAPOL over possible prosecutions, or anything of that sort. That is not what it is about.

For example, somebody might be interested in a tourism development there. There is no reason why they should not be speaking to the local member at a state level or the local member at a federal level, KIFA, or if this gets up, the commissioner—why not? Why not the Minister for Tourism?

Amendment carried.

Ms CHAPMAN: Minister, whilst I respect the basis upon which you have amended this clause 8 to enhance it by the incorporation of the wishes of the local community, I have to say I think it is important that everyone in your department that you are responsible for—and there are several—would offer assistance to any of the residents of South Australia (we are dealing with Kangaroo Island) if they have difficulty in dealing with government agencies, and you and your fellow ministers would be supportive in ensuring that they would have prompt assistance.

In transport and infrastructure matters, Mr Rod Hook and presumably his successor, Mr Deegan, whom I met the other night, operate particular units within the department to ensure the fast-tracking of applications. They are mostly in government at this point, but nevertheless there are people from time to time who are appointed within departments to make sure things happen and that there is not some unreasonable delay. If it is for the appropriate assistance, as you have described in the context of local residents and businesses in dealing with government agencies to ensure coordinated delivery, etc., then that is a good thing. It might be a rather overpriced person to do it and you might have plenty of others in your department to do it, but I do not take issue with the actual function.

The other functions in this are for the general improvement of management coordination and delivery of infrastructure, and I make the point that it is completely useless unless your government is prepared to improve the infrastructure because there is not much point in coordinating what you do not have. So in principle I do not have any objection to that.

To assist in the improving of the local economy of Kangaroo Island—I have no issue with that objective. How this person is to do it or what the terms are for what they should actually achieve, I do not know. It may be the economy totally of the island, that is, to increase the domestic product coming out of it, I assume, but 'economy' is a very broad area so I would be happy for you to give us some indication as to what is going to be required of the commissioner to do that.

You gave an example about helping with branding and marketing. I do not see any qualifications in your terms and conditions of appointment of the commissioner which suggests that they have capacity to assist with marketing. I would not like, necessarily, to have someone with a commerce background or an understanding of government to be involved in marketing. I just do not understand that example at all.

I appreciate that there are representatives from KIFA involved—I think Ms Kristina Roberts was involved with the branding recently—and I think you made a ministerial statement today about some of the people who have signed up to the KI brand, and I do not have an issue with any of that. But I do not see much point in a commissioner having a role in doing the marketing promotion of an island if they have absolutely no qualifications to do it.

I think all the rest is an overlap and probably unnecessary, but paragraph (c) is really the new element of what it is proposed the commissioner will do, that is, to prepare and to keep under review management plans. I am going to ask a number of questions about that. The detail of the plans and what they are to set out is in clause 17, and I am happy to ask more questions there if you like, but I will ask them here.

The Hon. J.R. RAU: Can we do them at 17 because we have agreement on 8, and I am very happy to answer your questions on 17 when we get to it?

Ms CHAPMAN: I am happy to do that. I go to paragraph (d) in 8 and ask you this: firstly, I would like some indication as to what job you think they are going to have to do in respect of the improvement of the local economy. In relation to 'any other functions', I do not understand why that is not disclosed, if you do have in mind any other function of this commissioner in this bill.

You have already proposed that you have a ministerial direction power in clause 10 to ask them to do any specific tasks, which will enable the commissioner to do certain things if there is a particular project you want to advance. Provided it comes under the terms of (a), (b) or (c), it would be sufficient, so I just do not understand why it is necessary to add in here another function which is not available for us to debate today but which you just might give notice of in writing when you already have power to give a ministerial direction.

The Hon. J.R. RAU: I do not have any other particular function in mind, but it might turn out that, over the course of time, something appears to be an additional function. Bear in mind that every other provision in the act has to be read in light of what functions are given to the commissioner, so it is something of a focusing provision.

I am advised that paragraph (d) is there, in effect, to give the functional direction which corresponds with clause 10. In other words, in order to make 10 work, one of the functions as stated in (d) is basically anything that is given in 10. I can say at the moment that I do not have any particular thing in mind presently but, from time to time, there may be the need to put something up. If there is, there is a process set out in 10.

Ms CHAPMAN: Let me put this to you, minister: clause 10 proposes that you will give a direction to do a certain job or give a certain direction to be carried out. I appreciate the functions are within the parameters of what their function is going to be, but you want to add a clause which says anything else that you want to give them.

That is not within the envelope of functions. The ministerial direction power is there quite clearly to give you or whoever is the minister for Kangaroo Island the power to give a specific direction within that envelope. I accept that, but you want the envelope to be open-ended. You want the envelope to be sitting open, so that you can also add in another function and then give them another ministerial direction, or just give them another function and ask them to do something.

I am simply making the point that we are here to discuss what the functions envelope is going to contain. I think it is inappropriate for you to have another open-ended clause. I do not accept for one moment the suggestion that, somehow or other, the ministerial direction power needs to have an extra open-ended function clause—that is a complete nonsense, as far as I am concerned. Nevertheless, what I am unhappy about is that you just want to tack on other functions without coming back to the parliament.

You may press ahead with that—we understand that—but I do not agree with that. I think that is inappropriate, and I think that if you do want this commissioner to have another job in policing or some other role, then we need to know about it here in the parliament, and I think it is incumbent upon you to give us disclosure.

We always give ministers a regulatory power to be able to add on the rules and processes that are necessary for the machinery of operation of what we give in a function, but this is a general catchall so that you can simply give them an expansion. You might give them all sorts of functions without us even knowing about it and that, in that regard—

The Hon. J.R. Rau: No, you would know about it because—

Ms CHAPMAN: I would find out about it eventually, let me tell you that, but I would not know about it.

The Hon. J.R. RAU: It has to be in the annual report.

Ms CHAPMAN: That is a year later.

The CHAIR: That is actually not a question, that is really a statement, isn't it? Do you have another question?

Mr PENGILLY: Yes, I do, on paragraph (d) of that same clause. I concur with what the member for Bragg was saying. The health system operates under health legislation, the education system operates under education legislation, the environment people operate under their legislation, and all are sitting under ministers. What is going to happen if the KI commissioner tries to come down heavy on one of these individual departments that are already sitting under their appropriate minister? I will give you an example. We have just lost one of the best managers of the public sector the island has ever had in Bill Haddrill. He is gone, and one of the reasons he has gone is that he saw this coming and just does not want to hang around South Australia.

Mr Hughes: Is that true?

Mr PENGILLY: Yes, it is, and it has come to me from someone I trust. What worries me, and it is not that case so much, is how on earth we are going to maintain decent people in managerial positions within some of those government agencies on the island when they have the threat of someone else hanging over their head all the time quite aside from the minister. That is why I think the member for Bragg has said it is too open-ended. I do not see how a commissioner can tell an agency under another minister and another piece of legislation what they should be doing.

The CHAIR: That is the question: how can they be doing something?

The Hon. J.R. RAU: In relation to all these questions, first of all, with many of these it is evident that we just have to agree to disagree. I am not going to persuade the member for Finniss and he is not going to persuade me, but can I make it clear to the house, and particularly to anybody in the other place reading any of these conversations we are having here, that the critical section of the bill, which is the one that people on the other side of this debate conveniently do not seem to pay attention to, is: what is the ultimate sanction for misbehaviour? The ultimate sanctions are in clause 18(4). This is the worst thing that can happen to somebody who does not get with the program:

(4) If the Commissioner is reasonably satisfied that a government agency has failed to act consistently or to cooperate with a management plan or that the actions of any other person or body have frustrated proposals included in a management plan or are otherwise likely to affect the implementation of a management plan—

(a) the Commissioner may make a report on the matter to the Minister and to the Premier—

'may', and it is a report, No. 1, and No. 2 is:

(b) the Commissioner may forward copies of any such report to the Speaker of the House of Assembly and the President of the Legislative Council with a request that they be laid before their respective Houses.

The sanction here is not that the commissioner walks into anybody's office and says, 'Get out of that seat, I am driving now.' The sanction is that the commissioner says, 'Look, I have asked you to cooperate with the plan. You are refusing to cooperate with the plan. The only sanction I have is to take this from whatever level you happen to be at, person I am speaking to, to the level, first of all, of the Premier and the relevant minister,' in other words direct access at cabinet level. Secondly, if I am the commissioner I may also say, 'I am going to make it broader than that. I am going to let the whole parliament know that these people are misbehaving.' That is the sanction.

Ms Chapman: Anybody could do that. They do it daily.

The Hon. J.R. RAU: Yes, again, not any Tom, Dick or Harry can actually submit a report to the parliament and have the parliament receive it as a formal document pursuant to statute. That is what this says: not any Tom, Dick or Harry can pick up the phone and say to the Premier or the relevant minister or both of them, 'I have a right pursuant to section 18(4) of this act to sit down around the table and have a chat to you about a problem.'

Ms Chapman interjecting:

The Hon. J.R. RAU: Well, okay, make a report.

Mr PENGILLY: Minister, I accept what you are saying with your explanation of the other clause, etc. So, for the life of me, why don't you just delete (d) and leave it out and not further complicate the bill?

The Hon. J.R. RAU: It is there for prudence. We did hear, some 30 or 40 minutes ago, that there was going to be support for these provisions anyway, so I am at a loss to know why we are still talking about it.

Mr GRIFFITHS: The support I indicated was actually for the amendment, so that was for (ab) solely by itself, but I do have a question here though.

The CHAIR: I am looking at you. What is your question on clause 8?

Mr GRIFFITHS: Sorry, the minister was on his feet still.

The CHAIR: That is alright.

Mr GRIFFITHS: I appreciate the minister's previous response but that related to the management plans. I thought the position was that we would not talk about that until 17, so I do not know why we are talking about sanctions in that context.

The CHAIR: Let us move on with the question.

Mr GRIFFITHS: Looking at (a), amendment (ab) and (b) now, disregard (c) because that is going to be discussed later on, it seems to me that the high level expectations of the commissioner in whatever work they do, management plans, coordination, whatever they do, I am a bit like the member for Finnis, I cannot for the life of me imagine what else could be another function. Do you want them to hose down the penguin feeding area or something? I do not know what you could do beyond what is already detailed. I need some explanation on that.

The Hon. J.R. RAU: How about this: if we move briskly through this I will give the undertaking to consider that matter between the houses and see how we go. But it does not matter, you have an alternative: either think about it between here and there or we—

The CHAIR: Camp here for the night.

The Hon. J.R. RAU: —have a futile conversation about it. I have explained to you why it is there. There is no menace in it. We have a difference of opinion about it and there is no point in exploring that any further; it is what it is.

The CHAIR: The minister has offered to deliberate on this between houses. Unless there is another really urgent question—

Mr PENGILLY: Yes, there are, Madam Chair—

The CHAIR: What is the urgent question?

Mr PENGILLY: —because the minister has asked us the question, so I say to him: this piece of legislation, when it goes through, is I-a-w, if and when it goes through the upper house. If we cannot sit in the lower house and ask questions and get answers and have—

The Hon. J.R. Rau interjecting:

Mr PENGILLY: I am not trying to have a bun fight over this. I am simply saying that, in due course, if and when this goes through, it is there. The common-sense approach to it should be, in my view, if (d) is going to be, to all intents and purposes, dismissed by what you said earlier, which I am quite happy with, minister, then I ask: why would you leave it there? For the life of me, also, I do not know why your advisers sitting up the back are laughing every time I get up, but you might just speak to them.

The Hon. J.R. RAU: I think I have explained all I can say about (d).

Ms CHAPMAN: Can I ask one other question—

The CHAIR: One other question.

Ms CHAPMAN: —Madam Chair, on (d)? Alright, you want to have it open-ended for you to be able to allocate something else for the commissioner to do, but it is broader than this, minister. You are asking for other functions that can be conferred not only by this act but any other act, or by the minister, which presumably would be you or some other candidate nominated by the Premier, as you say, but it is not just a question of adding onto this but of some other legislation (maybe through

that) being asked to deal with something on Kangaroo Island and thinking, 'Oh well, we'll get the commissioner to do it.' How are we going to know about that?

The Hon. J.R. RAU: You would know that because that bill would come here and it would have a line in it saying 'and the commissioner will do this or that' and you will have a chance then to make that point.

Ms CHAPMAN: But again, you will have already appointed this person with the skill set, you say, to help coordinate infrastructure and services on Kangaroo Island and help local people develop their economy, blah blah blah. What if it is decided that it is to be through another act that this commissioner is supposed to do it? How are we supposed to have any say on whether that is appropriate for the commissioner to undertake?

How do the people of Kangaroo Island know when they are being asked to accept that this commissioner in this mediator/advocacy role, coordination role, moderator role, whatever you want to call it, is suddenly going to be given policing powers or some other role to do? I simply do not understand why that is necessary. I can half cope with other functions that might be determined by the minister under the regulatory power, but to put it through under other acts I find quite inconsistent with what you are uniquely trying to achieve here.

Clause as amended passed.

Clause 9.

The CHAIR: First, we want to find out who is proceeding with what amendment.

Mr GRIFFITHS: Further to the commitment I gave the minister prior to that, I will not proceed with the amendments that relate to the removal of council, much to my great frustration.

The CHAIR: So those are amendments Nos 5 and 6 in your name?

Mr GRIFFITHS: Within this clause, it is 5 and 6.

The CHAIR: So you are not going on with 5 and 6 in your name. Minister, you are going on with amendment No. 4 in your name?

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

Amendment No 4 [AG-1]—

Page 5, line 42 [clause 9(6), penalty provision]—Delete '\$2,500' and substitute '\$10,000'

Very quickly, questions were raised in consultation about how the amount of the fine was actually determined. There was no particular complaint, just a general question as to why this amount and not another amount. We went to the oracle on these matters, which is parliamentary counsel. Parliamentary counsel has this arcane scale somewhere in the building where one offence in one space is related to another offence in another. As a result of that opinion, they suggested that \$10,000 was more appropriate than \$2,500. That is the complete reason for that.

Amendment carried.

Mr PENGILLY: The commissioner has some very distinct powers under the bill. For example, clause 9(1) gives the commissioner the power to issue a notice to a state authority to give the commissioner information in its possession that the commissioner requires for the performance of the commissioner's functions under the act. I am concerned that this gives the commissioner an unfettered ability to demand information from Kangaroo Island Council which ultimately undermines the council's independence and its ability to govern autonomously.

Under the bill a state authority—which, under clause 3, includes a council—must not enter into a contract unless a copy has been given to the commissioner and the commissioner has been allowed no less than five business days to comment on the proposed contract, as set out in clause 9(2). If the commissioner issues a notice requesting information and the council refuses or fails to comply, the commissioner has the power to do the following:

- Under clause 9(3)(a), report the refusal or failure to the responsible minister and to the Premier;

- Under clause 9(3)(b), include details of the refusal or failure in the annual report of the commissioner;
- Under clause 9(4)(a), report the refusal or failure to the minister responsible for the administration of the Local Government Act 1999; and
- Under clause 9(4)(b) the minister responsible for the administration of the Local Government Act may refer the refusal or failure to comply to the Ombudsman for investigation.

In light of the above, can the minister explain how this bill will allow the Kangaroo Island Council to govern autonomously?

The Hon. J.R. RAU: Yes, I can. It does nothing about how they govern. What it does is say that if the commissioner has a request for information of the council or, indeed, any other government agency, and that request for information relates to a matter required for the performance of the functions of the commissioner, then the commissioner is entitled to request that information and be provided with that information.

Other than to say that there should be a period of five days' notice before entering into a contract of a prescribed kind, it does not say such a contract cannot be entered into and it does not say it must be entered into. It does not say anything at all. All it is saying is that if any agency is in this space and they are asked to provide information, they cannot simply ignore that request, and the ignoring of a request for information is offensive and there are sanctions for ignoring the request for information. There is no sanction here, or anywhere else, except for reporting to the cabinet, about any decision they actually make to do or not to do anything.

Ms Chapman: That is simply not right.

The Hon. J.R. RAU: I am afraid it is.

Ms Chapman: Clearly, it could action section 272.

The Hon. J.R. RAU: But can I please just explain? Clause 9 states there is a request by the commissioner for information. The commissioner might be requesting a council, a government agency—anybody—for information. If that body cooperates and provides the information, then that is an end to the matter and, whether the commissioner likes the information or agrees with that body or disagrees with that body, the most the commissioner can do is send a note to the Premier, the minister or the parliament saying, 'I don't agree with what these people are doing, and here is why.' That is it. That is the most they can do.

If they ask for the information from somebody and that somebody, whether it be the council or a government agency, or whatever, says, 'Nick off, we are not giving it to you,' then the commissioner is entitled, in the case of a government agency, to take that matter immediately to the level of the Premier, and the parliament if needs be, and, if it is a local government authority, in the first instance it is off to the local government minister and, in the second instance, by reference to 272, it is basically saying that is misbehaviour on the part of the local government authority not to cooperate—in the provision of information, not in doing or not doing anything.

Mr GRIFFITHS: This is the basic premise of our argument. It is absolutely and totally encapsulated within this. I respect the ability of a position that you put in place with its authority to give direction to state government departments. I can live with that. I have no problem with that. But this seeks to involve an authority whose policy and primary actions are determined by the people of Kangaroo Island who vote to put them there.

The Hon. J.R. Rau: And will continue to do so.

Mr GRIFFITHS: But that is why the member for Finnis is concerned about the override capacity, that is, completely changing the game for what an elected group deem might be the future in how they want to spend their money and what works they undertake.

The Hon. J.R. Rau interjecting:

Mr GRIFFITHS: But that is how we have read it and how we interpret it. It can be completely overtaken by the decision that a single person takes, as a commissioner, to put a management plan in place. If he gets it through the system, that is law, it would seem to us. It is that concern that is the basis of the argument that we have been here six hours for.

The Hon. J.R. RAU: I have tried saying this several different ways and I will try to say it again. The commissioner cannot tell the planning department, DEWNR, the Kangaroo Island Council, or anybody else, how to do their job in the sense of giving a direction to them, except it can ask for information and they have to comply.

Other than that, it cannot tell them to do anything, and it can request they do things through the management plans and, if they do not cooperate with the management plan, the worst it can do is dob them in—dob them in to the Premier, dob them in to the minister, and dob them in to the parliament. That is it, end of story. That is the worst.

How, in some bizarre fashion, being dobbed in by the commissioner for doing something that an elected body wants to do is preventing them doing it if they are determined to do it I do not know. The further point is: this very elected body, about which everyone on the other side appears to be so terribly anxious, has embraced this and said, 'Yep, bring it on, we want it.'

Mr GRIFFITHS: In support of the argument I just put to the minister, I refer to his own amendment No. 8. It provides that if the council is directly affected by the proposal and the proposal is linked to what a management plan proposal is, that is a direction and changes the decisions made by the elected body. It has to because it states that, if that is to occur, there is an opportunity to seek additional or alternative funding. That relates to a cost, that relates to a policy matter, that relates to a budget, and that is what all goes back to the people who own property on the island.

That is the great fear: you are taking away the capacity for an elected group of people to have sole control over the future, to be responsible to the people, to be accountable to the people every four years by the ballot box and seemingly replace it with a single person.

The Hon. J.R. RAU: There are a couple of points. First of all, I think, again we are going to have to agree to disagree about what this means. The second point is that the word 'direction' is not used in the amendment. I assume it is in good faith, but this is being seen, unfortunately, as something that it is not and something that it is not intended to be. I cannot stress this enough. There is a whole range of things I could have brought to the parliament about this. I could have brought to the parliament that I or another minister had control of all government agencies on the island and that they reported to me. That would have been direct control, and that would have been—

Mr Picton interjecting:

The Hon. J.R. RAU: —if you want a move it that way I am up for it—but that is not what I brought here. What I brought here is simply that there will be a plan, and the plan will be consulted on in the community and amongst agencies. The agencies are expected to do their level best to perform in accordance with the plan. If they are asked by the commissioner to provide information relevant to the commissioner's functions, they are to be cooperative with the commissioner. They nevertheless can still make decisions which fly in the face of the plan or the wishes of the commissioner but, if they do, they risk at some point the commissioner basically writing a letter to the Premier and/or the minister and/or the parliament saying, 'This particular agency is ignoring what the plan says.'

Mr PENGILLY: Minister—

The CHAIR: There is a question?

Mr PENGILLY: Yes, I will get to the question if I can just preface it. Minister, you brought this legislation to the parliament; we did not. There is no point getting tired and cranky and irritated with us, and frustrated—

The Hon. J.R. Rau: I'm not.

Mr PENGILLY: Well, it comes across that way, I am sorry. We are simply doing our job. If this commissioner goes through, you are going to have one council out of 68 in South Australia that

needs to deal with contracts. It is going to have to go through the commissioner in this case, the commissioner for Kangaroo Island. The other 67 councils continue going as they are. As the member for Goyder said, it is an elected body of Kangaroo Island. It may be, at different times, good, bad, terrible, excellent, whatever, and God help Marion council, I might add. However, my point, minister, is this: why are you singling out one council to have to go to somebody to get contracts approved and the other 67 do not? That is my point.

The Hon. J.R. RAU: Again, that is a complete misunderstanding of what it says. It says 'contracts of a prescribed kind', and 'prescribed kind' is within the scope of the functions of the outfit for a start and subject to something being prescribed, point No. 1. It simply says that a copy of the contract should be given to the commissioner with five business days to comment. That is it. It does not say that it requires the commissioner's permission, it does not say it has to be approved by the commissioner; it does not say anything about that. It just says that the commissioner should get a heads up in five days, full stop, end of story.

Ms CHAPMAN: I have some questions on clause 9. The way I read it, firstly, is that it is obviously the obligation to provide information. I think this is an overpriced, overzealous, unnecessary provision of the appointment of somebody to receive this information or give notice to get it. There seems to be two courses here: if you are a state government agency or operation, you have to provide information and copies of contracts, five days heads-up as you say.

I do not know why, for goodness sake, for no cost of having a commissioner, the minister or anyone who wants to see documents or have information in respect of their portfolio, does not ask for them anyway. If there is a refusal to share information by the state agency, that is, the education department cannot get information from the Department of Environment, why does the minister not go to the next minister and seek that? Nevertheless, you want to have this expensive process which has a name and shame aspect to the end of it, when one minister could pick up the phone and ask the other minister to have it when we are talking about state agencies, so I think that that is a complete waste of time.

I think it is a furphy and it is there to disguise the fact that the real alternate here is to require not only the information but also, as you say, to have the heads-up on the contract and to be able to have a comment. The local council has a paragraph 4 and 5 regime of enforcement, which is really what is the issue here. For goodness sake, why should a public servant, a commissioner or whoever you might dress him or her up as, be there to comment on the reasonable workings of the council?

We have a process of elections every four years, and we have a local government minister. To me that is just an insult. Then you have a process which looks harmless on the face of it, that is, we will have a little name and shame process to start with but then set up a section 272 process which can ultimately go to the Ombudsman, who ultimately brings the notices into the minister, which ultimately could close down the council and put in an administrator.

We know what that process starts, so let's not hide behind this as some kind of little mild smack on the knuckles if you do not do as you are told or give us the information that we want because that is not the case for councils. I just do not accept that, and I have some questions about the process of how it is going to work. I will deal with councils because to me, as I say, it is a complete waste of time in relation to the other government agencies; they have other options and they are a lot quicker, quite frankly.

If a council has signed a contract already, in the myriad documents that it already has, I assume that comes within the notice of any information or any document in the clause of information in No. 1. That is, anything that is in the record emailed across the contract of the council is open for inspection under the notice, because I do not see information defined in your bill as to what that is. However, I assume that it is anything electronic across to written contracts that would be in the possession or control of the council.

The Hon. J.R. Rau: Yes.

Ms CHAPMAN: Having said that, if there is any document in the possession of the council which is subject to a confidentiality clause, is it intended that the council is excused from delivery of that document to the commissioner?

The Hon. J.R. Rau: No.

Ms CHAPMAN: That is equally unacceptable.

The Hon. J.R. Rau: Have a look at subsection (6).

Ms CHAPMAN: Well, yes, but this is a clause to protect the confidentiality of information that the commissioner or his staff have in their possession that they are not allowed to disclose to someone else. I am talking about a contract that is in the council's possession which is with another third party, which has confidentiality clauses in it, and along comes the commissioner and serves a notice and says, 'I want to have a look at contract X with the penguin island society.' If it is subject to confidentiality, is the council obliged to deliver that up to the commissioner in those circumstances?

The Hon. J.R. RAU: Yes. I thought I had explained this several times. Provided it is relevant to the performance of the functions of the commissioner, the commissioner is entitled to receive information that the commissioner asks to receive, but the commissioner cannot then go off willy-nilly publishing that information to any old third party.

Ms CHAPMAN: That may be so, but it is not quite as simple as that. I accept that if the commissioner came and said, 'I want to see the employment contract that you've got with your CEO,' arguably the council could say, 'That's nothing to do with the terms of reference you've got and the minister hasn't used paragraph (d) to give you some extra thing to police the funding of the staff of the council,' so it is clearly outside the parameter.

However, what if it is to do with any of the operations of the council, all of which are on Kangaroo Island, whether it is to build roads, empty rubbish bins, provide the toilet facilities at the local beaches, clean the streets of Kingscote—all the numerous tasks that relate to the services that they provide and/or enforcement that they are responsible for, such as health or building regulations, etc., which they monitor? I think they even have some weed control back in their charge, although Natural Resources Management have some of that as well. They do all sorts of business every year, and all of those things arguably fit into the economy of Kangaroo Island.

All of those fit into the management, coordination and delivery of infrastructure and services provided by government agencies on Kangaroo Island. That is how broad the parameters are. Just about every other document that I can think of, other than the terms of employment of the direct staff in the council, is going to be within the terms of reference and the functions of this commissioner. There is not going to be any excuse to say, 'We're not going to give you the penguin island contract,' because they will be obliged to produce it even if it has a confidentiality clause, and you say to the parliament, 'Well, that's alright because even if it's confidential, the commissioner can't say anything without being fined.'

That is just simply not acceptable, from my point of view. I make that very clear. Nevertheless, I ask this question. Assume for the moment that they are obliged to produce it and they say, 'Well, here it is; it's confidential,' etc. If there is any liability arising out of that, or threat of liability towards the council, in the disclosure of that information, is it the government's intention to ensure that the council in its legal advice or representation in dealing with that matter will be covered financially by this government?

The Hon. J.R. RAU: With due respect, this is getting to the point of being quite absurd. We clearly disagree about everything about this legislation.

Ms Chapman: I don't know. I've just consented to one of your amendments, so don't mislead the house.

The CHAIR: In any case.

The Hon. J.R. RAU: The member for Bragg would be well aware of the fact that, if a person discloses a document under legal compulsion, in doing that, that person is not committing an offence and it is a defence or it is an answer to any complaint about the document having been released. For example, if the police turn up with a subpoena or a search warrant or something and seize documents—

Ms Chapman: This isn't a search warrant.

The Hon. J.R. RAU: I know it isn't. It is called an analogy.

Ms Chapman interjecting:

The Hon. J.R. RAU: Analogy—not 'an allergy'.

The CHAIR: Back to the task.

Mr Pengilly: It could be a combination of both.

The CHAIR: Order! Back to the task.

The Hon. J.R. RAU: A person who produces a document under legal compulsion is not in a position where that production of the document is something that can be held against them.

Ms CHAPMAN: So what happens if the FOI officer at the local council says, 'Well, look, I'm obliged under freedom of information to identify certain circumstances where I don't produce a document to anyone who asks for it'? Is the commissioner in that situation going to override what would normally be the sensitivities of providing documents to the general public?

The Hon. J.R. RAU: Any similarity between this and FOI is purely accidental. This is not about production to the public of anything. It is about production to a government agency of information possessed by another public authority, and, whether or not those opposite see it this way, local government is in fact, as a matter of law, the creature of a statute of the South Australian parliament.

The fact of the matter is that all we are saying is a government agency—the commissioner—is being authorised by the parliament to go to another government agency, which includes by definition local government, which is a creature of a state parliamentary statute, and say to them, 'You, agency of the government, give me, agency of the government, information that I request because the parliament has said you must.' That is it.

Ms CHAPMAN: What is to happen with the documents or information, and that may be electronic, that is received by the commissioner under this process from councils? Where is it to be stored? Who can he or she give it to, and what can it be used for?

The Hon. J.R. RAU: I am not going to be giving handy driving hints to the commissioner on how they should manage their office, but it may be, depending on the nature of the material, that it is simply handed back after it has been looked at. It may be that it is destroyed. It may be that it is kept in an appropriate way having regard to whatever sensitivity might be attached to the material for whatever legitimate purpose the commissioner may have in holding the material, but that would be a matter for the commissioner to work out.

Ms CHAPMAN: If there is any loss or expense incurred by the council as a result of the delay in the implementation of a contract or the production of the information—that is two things. When I say 'the production of the information', I mean the provider of the electronic records, the time involved for the person to actually find the documents, source them or collate them and put them in a folder or whatever has to be done to provide to the minister; who is going to meet that expense? In particular, will the government meet that expense or reimburse the council for any costs incurred in providing that information?

The Hon. J.R. RAU: It is intended that the commissioner will receive cooperation from each agency the commissioner has to deal with. They will not be wasting their time asking for things they do not require, and each agency should cooperate. Some of these questions are interesting in the hypothetical sense but based on the premise that the commissioner is going to behave in a wholly impractical and, quite frankly, idiotic fashion, I just do not see that that is likely. I am not intending to have this important role filled by somebody who has nothing better to do than annoy government agencies.

The CHAIR: It would be good if we could wrap up clause 9.

Mr PENGILLY: I have some more questions.

The CHAIR: You have had several already.

Mr PENGILLY: Yes, but these are different numbers.

The CHAIR: But, moving on, you have had several already on clause 9.

Mr PENGILLY: I have a couple more here.

The CHAIR: Let's be quick.

Mr PENGILLY: I will roll both of them into one and let the minister answer them together.

The CHAIR: That would be fabulous, thank you.

The Hon. J.R. RAU: I have not been insisting on the rules here because I am trying to do this in an intelligent way, and filibustering or whatever is going on is not helpful.

The CHAIR: We are all trying to do the right thing, so I am sure the member for Finnis will roll his questions into one, Let's go.

Mr PENGILLY: When everyone is all over it, this bill happens to be important to me.

The CHAIR: We understand that.

Mr PENGILLY: I represent that area.

The CHAIR: We understand that.

Mr PENGILLY: I am not going to be pushed and shoved and told to speed up when I want to ask questions. Referring to clause 9(2) of the bill, can the minister explain how prohibiting a state authority from entering the contract, unless the commissioner has had time to comment on the contract, will assist with improving the local economy of Kangaroo Island? Following on from that, clause 9(3) provides that if a state authority or local council 'refuses or fails to comply with the notice under subsection 9(1)' the commissioner reports that refusal or failure to comply. Can you expand on the reason for this subsection? You have expanded at length to some degree, but I really want to know how on earth, given that you have a democratically elected body, all this is going to help improve the local economy on Kangaroo Island? I have seen no proof anywhere.

The Hon. J.R. RAU: We just do not agree on this. We just do not agree.

Ms CHAPMAN: I have one other question on prescribed contracts. Are there any regulations ready yet? There were not at the time of consultation on this.

The Hon. J.R. RAU: The intention would be that nothing in that sort of department would occur until there was a commissioner with whom we could consult.

Ms CHAPMAN: Is there any other process that we have for any other commissioner? I have not seen one, and I looked at a number of different commissioner's acts on this. Is there a prescribed list of documents such as this available for inspection? Is there any precedent whatsoever that has any regulations?

The Hon. J.R. RAU: Frankly, I do not know. This was designed for this purpose.

Ms CHAPMAN: Having been designed for this purpose, I assume someone has asked for it; that is, in particular, contracts—not other documents but contracts—that they want to have five days heads up on. What is the purpose of being able to inspect and make comment on contracts? What do you have in mind? What do you understand is the purpose of having this in this bill, bearing in mind that they can ask for any document at any time?

The Hon. J.R. RAU: There could be a contract which would have a certain effect which may be completely contrary to the objects set out in the management plan, and the agency involved in that may have no idea that the contract was inconsistent with the management plan. By providing some small amount of notice, the agency would enable the commissioner to say, 'By the way, there is a concern about whether this complies with the management plan.' The agency can then please itself whether it goes on with it or not.

Clause as amended passed.

Clause 10.

Mr GRIFFITHS: Minister, I refer to the authority for you to give direction to the commissioner. Is it intended to be a direction that is process-based or outcome-based or infrastructure-based? At what level of engagement do you think it is intended that you, on the basis that you would be the responsible minister, would actually look to give a direction?

The Hon. J.R. RAU: It is my view that in this circumstance the relevant minister, whoever they may be, should be in a position to exercise some discretion or oversight of the commissioner. Ultimately, the commissioner should be answerable to the minister. It is not unusual to have legislation where even a very independent authority, such as the DPP or even the police commissioner, in some circumstances can be the subject of a direction by a minister. I do not see anything remarkable in the notion that the minister may, if the minister deems it appropriate, issue a direction to the commissioner, but in so doing the minister is doing something which has to be in writing and must be contained in the annual report so that everyone finds out about it.

Mr GRIFFITHS: I found the response from the minister rather interesting regarding the connection with the police commissioner and the minister, given that the reply to every question that has ever been asked about it has been, 'That's an operational matter and not subject to direction,' which I think is the term I have heard used quite often in this chamber.

The Hon. T.R. Kenyon: Call them 'reserve powers'.

Mr GRIFFITHS: Yes. In regard to the requirement of the minister where a direction is given for it to be included in the annual report—and this is very early on in the process, I understand that, but I am just interested in the details—is it just a five-word dot point or is it some level of descriptive detail that allows review to be undertaken that gives a reasonable amount of information, or is it a paragraph that has to be written on the direction that might be given? It is very early on in the process, but I am interested for future review in the level of detail that is envisaged to be provided.

The Hon. J.R. RAU: There would be a direction from the minister, 'I require you to do X, Y and Z or not to do A, B and C.' That literally would have to be reproduced; not a summary, literally exactly what was said.

Mr PENGILLY: Clause 10 provides that a minister, whoever that person may be, may give directions to the commissioner. If the minister consults with the commissioner before giving a direction, is there any requirement for the commissioner to consult with the local council?

The Hon. J.R. RAU: In relation to a ministerial direction, no, and should I say had not been asked for either.

Clause passed.

Clause 11.

Mr PENGILLY: Clause 11 of the bill allows the minister to appoint a person to act as commissioner; however, there is nothing in the bill that requires the commissioner to possess the relevant qualifications, knowledge and experience required to fulfil the functions as set out in clause 8. Are we to assume that the commissioner will have knowledge, skills and experience of Kangaroo Island?

The Hon. J.R. RAU: What was the actual question?

Mr PENGILLY: Clause 11 of the bill allows the minister to appoint a person to act as commissioner under this bill; however, there is nothing in this bill that requires the commissioner to possess the relevant qualifications, knowledge and experience required to fulfil the functions as set out in clause 8. Are we to assume that the commissioner will have the knowledge, skills and experience to serve the role of commissioner of Kangaroo Island?

The Hon. J.R. RAU: If you read this it is about if the commissioner is either not appointed yet or the commissioner resigns. If there is a period of time during which a new person is being selected, or the commissioner is on annual leave, or the commissioner is not well, then we can put somebody in to do the job. Obviously, common sense suggests that you would try and find somebody who has the best possible aptitude for the position, but this is a temporary fill-in, it is a stop-gap, it is the Polyfilla position, plan B.

Mr PENGILLY: I hear what you are saying; however, if I went around this chamber on both sides you would probably find over the years numerous examples of places where someone had been put into an acting role or a temporary role and completely stuffed the show up, so to speak in colloquial terms, and made it awkward for those who may succeed them.

The CHAIR: That is a comment, so is there another question on clause 11?

Mr GRIFFITHS: On clause 11, the member for Finniss and I are not totally in agreement. Having worked in organisations before where someone assumes a higher level of duties for a short period of time, I understand that occurs, but I do have to seek clarification on whether there is a time limit in place for the appointment of an acting commissioner? If, for whatever reason, there are delays in the appointment of a commissioner or a commissioner is on leave or in ill health or resigns, is there a time limit you envisage would be the limit because then it might be necessary to actually advertise the position more widely to seek someone in a full-time role instead of the acting commissioner continuing?

The Hon. J.R. RAU: Obviously in the appointment of the actual commissioner one must have regard to the sort of criteria that we talked about a little while ago. In terms of somebody being temporarily there, obviously you would try not to put a dill in the job. You would do your best. The commissioner gets struck down with avian flu and mysteriously does not turn up to work on Monday and then you get a medical certificate on Wednesday saying the commissioner will not be back for 10 days and then 10 days later will not be back for another 10 days. Do you have the whole show grind to a halt during that period or do you move somebody in to at least keep the wheels turning? That is all.

Ms CHAPMAN: You are talking me out of it, minister. I actually think it is a reasonable arrangement to have a power for someone to continue the duties during the temporary absence of a commissioner. I have no problem with that. Most of the other commissioner roles have some kind of process—the highways commissioner and others—to ensure that there is a deputy or someone available to undertake those duties during a temporary absence. I have no problem with that. But this clause is to cover for (under (a)) 'no person is for the time being appointed as the Commissioner'. That is the concern here, is that this is not just a temporary filler, this could be for a permanent acting commissioner without going through the process of consulting with Kangaroo Island people, blah, blah, blah.

This wording is unique in the other commissioner bills I have looked at. It is unique in the sense of senior positions where we have a process to ensure that there is a delegated authority for those duties to be undertaken. So, I am with you until you start pushing for this idea that you are not going to appoint someone. The only way around that is for you to assure us, or to make some provision, it seems to me, or at least agree between the houses to ensure that you do not have a temporary appointment of more than six months, 12 months, or something like that.

The Hon. J.R. RAU: I am very happy to look at that. Can I assure members opposite that the last person in the world who wants to appoint a drongo into this job is me, for obvious reasons, either for a short time or a long time.

Clause passed.

Clauses 12 to 14 passed.

Clause 15.

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

Amendment No 5 [AG-1]—

Page 6, line 35 [clause 15(1)]—Delete subclause (1) and substitute:

(1) The Commissioner—

(a) may establish such local advisory boards as the Commissioner thinks fit; and

(b) must consult with a local advisory board in relation to each management plan or proposed management plan.

Amendment No 6 [AG-1]—

Page 7, after line 2—After subclause (2) insert:

- (2a) The Commissioner must undertake consultation (in such manner as the Commissioner thinks fit) with the Kangaroo Island Council in relation to any proposed appointment under this section.

Mr GRIFFITHS: The amendment reads that the commissioner may establish such local advisory boards as the commissioner thinks fit. I suppose it comes back to some questions I asked in my second reading contribution: is it based on geographical location, particular interest area, financial need, marketing opportunity? Is there any information available for any level of review by the opposition that talks about the numbers and the potential of who might seek to be involved in these advisory boards?

The Hon. J.R. RAU: The way I am looking at it is basically this: the purpose of this amendment is to make sure that, where there are advisory boards, in relation to a proposed management plan the minister must consult with them about the plan. That is the first point. The second point is that the 'thinks fit' bit contemplates the fact that management plans may be quite different in their scope. In relation to a particular management plan there might be a whole bunch of people who should be included. It might be quite a diverse group. On the other hand, a management plan might have a very particular focus, either geographically or economically.

For example, and I am always frightened of giving examples for fear of setting off a series of new questions, but if there were to be a management plan about forestry, plantation forestry, you would expect that most people who are particularly interested in that would be on the western end of the island rather than on the other end of the island. I am just giving that as an obvious example of a particular management plan. Common sense would dictate the pool of interested people, and the minister would attempt to get as much breadth of representation as possible in that pool. Exactly how that would be formulated would be a matter for the minister and the commissioner to talk about.

I can just say to members that KIFA, as well as others, and I have been going around the island for some time now meeting frequently with people, having public meetings and all that sort of thing. I would expect the advisory bodies on particular management plans would, for example, include some or many, if not all, of the elected members of the local government authority. They may include some local government staff for all I know; they may include representatives of whatever industry we talking about, if we are talking about an industry. Each one of those things would be worked out in its context.

Mr GRIFFITHS: I am interested whether it is by invitation or—

The Hon. J.R. Rau: Yes.

Mr GRIFFITHS: The minister says yes on that. Is it by invitation to the wider group or is it just to a person the commissioner may see as being a suitable chair? Unless they actually live on the island, how do they know the personalities and the skill sets for all these people to determine who that might be?

I see the local advisory groups as being absolutely critical to the role, just as I saw them as been critical to the role of marine parks where local advisory groups were appointed. Indeed, a chair was appointed as part of that process. We worked diligently on making recommendations but not all the recommendations of those local advisory groups were actually acted upon by the minister in declaring habitat protection zones and sanctuary zones.

That is why there is a level of uncertainty, particularly for the Kangaroo Island community. It has a vast number of marine parks impacting on it, and therefore the Kangaroo Island community has been very heavily involved in local advisory groups. There just needs to be an absolute surety that their opinions are valued, listened to and acted upon.

The Hon. J.R. RAU: I can assure you that is 100 per cent my intention and I would make that very clear to the commissioner, that the point of this is to have engagement. The idea that this process is going to be some sort of top-down thing is doomed to fail; it just will not work. It has to pick up what people want and what people are concerned about, and it then has to try to put that into some framework—which is the management plan, for want of a better term. That is the way of asking the community, at a fairly grassroots level, how they want to frame the future of the way government

relates to the community. That is what it is about. The idea of it being a top-down thing is completely the opposite of what I have in mind.

Mr PENGILLY: Regarding the establishment of a local advisory board, I think the member for Goyder gave a good example. The island people were badly burnt by the local advisory group on marine parks, very badly burnt. The establishment of those parks was something that was taken on board by island residents, and there were people who wanted to go on there who did not, as is always the case with these things. They then set to and worked together as best they could, given their widely opposing views, and came up with an acceptable outcome which they thought was going to be put into place. That also happened with other local advisory groups; they were burnt.

The health advisory council (HAC) is another example. They were appointed by the minister. I have two HACs in my electorate, one at South Coast and the one at Victor. I have representatives on both, and I have multiple comments come back to me that they view the advisory boards as a complete waste of time because they have no role or function, apart from listening to the bureaucrats in that department tell them what is going to happen. They have no power to do anything. I am concerned that your advisory board, as set down in the legislation, will be picked out again. I do not know that they are going to have any authority, either.

We saw the dissolution of local hospital boards and regional health boards and, instead, we have had advisory boards brought in. Will you give me some confidence that the people who are put on the advisory board are a fair and equitable representation of the island, and are not picked through some form of cleansing to make sure that they are going to say and do the right thing? What worries me is you are going to have an advisory board under this act sitting with the commissioner and you are going to have a locally, democratically elected council, and they could be diametrically opposed.

The Hon. J.R. Rau: They both have to be consulted.

Mr PENGILLY: They may be, but this is my problem with the whole thing, minister. You are inserting yet another group in there. We had the Citizens' Jury inserted in there who have—

The Hon. J.R. Rau: They are not in here.

Mr PENGILLY: I am using it as an example. What I am trying to get to, and I think others share it, is that I have suspicions about advisory boards and whether, in effect, they achieve anything. I have had discussions with you over the marine parks issue and the sanctuary zones in the past. They got done over. I am concerned—and it may be you, I presume it will be you, who will be the king of Kangaroo Island, or whatever it is going to be called—who may or may not go on these boards, what they may or may not achieve and the fact that they could well interfere with the democratic running of the island through the democratically elected council. I do not have a lot of confidence. If you can give me confidence, that is okay, but I go back to yesterday and the formation of the KIFA board which I do not believe was done in an appropriate manner. Do you know where I am coming from?

The Hon. J.R. RAU: I do. Can I explain? These boards are not intended to be standing things like NRM boards and all those sorts of things. They are meant to be project-specific boards. Some projects might be quite broad in their scope, some might be particularly targeted. The board would be assembled having regard to the scope of the particular project at hand and, when that project had been concluded, the board would no longer need to be convened because its work would have been completed.

I point out that in the second of my amendments, amendment No. 6 (which was requested, I think, by the council), I explicitly say that the council must be asked about these things. Again, all I can say to the member for Finniss is that I do understand his point about that process (and I do know, because people have spoken to me on the island about how disappointed they are about that) and it is my sincere wish that these boards do what I want them to do and they engage with the public, they are listened to and they are actually relevant. The sad part about it is, if they do not work that way and we do not get good management plans, this whole approach to try to improve the island will fail and I will be very disappointed, but it will not be any worse than it is now.

Mr PENGILLY: Minister, this is what just does not gel with me. Over the years the development board, which has gone, had a series of plans, the council had a series of plans, and

the NRM board had a series of plans. Now we are introducing yet another level with another advisory board. What plans are they going to work on that are not already in place? Ag KI has plans, and it goes on and on. I think I said yesterday that I could show you shelves full of plans that can be done for the island—shelves full of the damn things, all covered in dust. I am sure members in this place from other areas have the same thing.

I think Kangaroo Island has been planned to the nth degree and had so much money spent on plans, employing people to create plans, consultants, and God knows what else. I will give you another example. This week \$134,000, I think, was allocated to form a plan to employ a person to look at ways to drain the land that was flooded in Macgillivray last year; here is yet another plan. These plans can go on forever. We have a plan for the airport, as you may recall. My concern is that all we are simply doing is perpetuating jobs to draft plans which never come into place. How is the commissioner, with the advisory board, going to achieve the plans, and what are they going to focus on? Are they going to focus on things that are already done, or are they going to sit there and have a cup of tea and all go home? That is my concern.

The Hon. J.R. RAU: I think I have explained all of this. We just do not agree.

The CHAIR: Any further questions on amendment 5?

Amendment carried.

The CHAIR: Do you have a question on amendment 6? Still on clause 15, amendment 6.

Mr PENGILLY: Yes; given that the council is a democratically elected body—

The Hon. J.R. Rau interjecting:

Mr PENGILLY: Look, you can throw yourself back in your seat and you can throw your head around, but I want answers. How are they going to consult with the council? It is not an unfair question, minister. I repeat: you are the one who brought in this legislation and we are entitled to ask for answers. You can consider discussions with your advisers, or whatever, I do not care, but I want to know how this is going to be achieved.

The Hon. J.R. RAU: Consultation means communication; so the commissioner will communicate with the council. Whether the council wants to communicate through its chief executive, its mayor, or its whole body sitting in full session is entirely a matter for the council and the commissioner to work out. I am sure they are all grown-ups and they will be able to nut it out. I am not assuming that I have to tell grown-up people, elected by the public on Kangaroo Island, and the commissioner how to consult with each other. I am sure they are big enough to work it out for themselves.

Mr GRIFFITHS: We have already had some discussion about consultation in which I flagged my concern about the local member not being included. I understand this amendment has come about because of discussions with Kangaroo Island Council, and I know why it is specific in that way, so fair enough. Given that, I have already flagged the fact that my great desire is to ensure that the local member is consulted. I do not think there is anybody in this chamber who would not say that as an individual the local member of parliament probably understands their district better than any other individual and has a greater and broader range of discussions with people about it. I think it is quite important that further consideration is given to this amendment between the houses for the local member of parliament also to be involved in the consultation about appointment.

Amendment carried.

Ms CHAPMAN: This is a clause to establish local advisory boards—duly amended, as I understand it, as a result of requests of the local council to ensure that they be consulted and that there be an obligation to consult as distinct from an option. Let me say on the record that I totally oppose anybody unelected having a role in establishing or finalising the management plans. Having local advisory bodies is a complete red herring, and to establish them on the basis of a project-specific idea, which is what I now understand them to be, will be time consuming and a complete waste of time because I do not support the commissioner having a role in developing any management plans.

If there is to be consultation, in my view it should be with those who are elected locally, namely, the council and any other body that is duly elected that they might think is relevant. It may be that the local natural resources management board, which is not elected but which is appointed, may be important in a specific project. I think this is a complete furphy. I think it is designed to present to the people of Kangaroo Island that somehow or another they are going to be consulted all the way, which I think is just complete crap, and I think that they are starting to see through it.

The fact is that you have come in here today and said, 'Look, I'm not sure how this is going to operate. I expect these people to act in mature way. They are not juveniles, blah, blah, blah.' You are the minister, for goodness sake. You are putting a proposal to us about how a person is going to be appointed by you or your cabinet who will have a role in setting management plans which, if people do not obey them, will be reported to the top governance of the state in some name and shame annual report process, and you are expecting us to believe that this is going to be genuine in some sort of development of an idea and a plan that the people of Kangaroo Island will be a genuine part of. I do not accept that for one minute.

Your statements to the parliament today evaporate the beginnings of confidence you might have sown. The other thing is this: when we have been asked, historically, as an island to make a contribution, or indeed some other regions of the state have been asked to make a contribution to the development of management plans, they are lucky even to be acknowledged in the front of the report. The contribution they have made to a marine parks exclusion zone process or a bushfire management process or a clearance process for roadside vegetation, has ended up being translated, and with what was implemented in those three plans on Kangaroo Island you could have just saved your time and not wasted your breath in even asking them.

If you think that I have confidence in some envelope out there for some functions for some imaginary person who is going to create a plan that is going to develop the economy of Kangaroo Island, you can forget it. I have absolutely no confidence in that occurring. I do not care who you appoint because it is just completely tantamount to the undermining of what is the essence of every region—that is, to have the right to have those they elect themselves to govern them.

I think this whole thing is fanciful, but I want to ask this question in relation to the advisory boards: what action, minister, did you take in respect of establishing an advisory committee or board for the purposes of deciding that you were going to build a \$4½ million walking trail through the Flinders Chase National Park, which you announced in the budget this year? I read the material that came from KIFA, and it was an idea in which they were involved.

I understand that there has been some discussion with the owners of the property on which it is proposed that this occur, namely, the department of parks and wildlife, now within the Department of Environment, and that they were somewhat consulted as to the pathway it would take. The reason I ask is that I telephoned the walking committee on Kangaroo Island, which has been going for decades, as long as I can remember from my childhood—

Mr Pengilly: The walking club.

Ms CHAPMAN: —the walking club—and they know all the different walking trails around Kangaroo Island, some of which traverse the top of the property I have owned and my family has owned on the North Coast, beautiful walks down to Snug Cove, along through the Western Conservation Park and the like. They have helped coordinate them, they have walked on them, they have done reports on them, they have published articles on them and they have advertised for them. They have been going, as I say, for as long as I can remember.

I telephoned them to inquire about two things; one was, 'Had your group been consulted about where it might be a good place on Kangaroo Island to have a walking trail?' Answer: 'No.' 'Were you consulted in respect of what trail might occur as to where they would put a walking trail through the Flinders Chase National Park, seeing you have walked most of it?' 'No.' 'Were you consulted in respect of the obligations there might be and that you found necessary for the purpose of protecting wildlife and the like in relation to what you have identified on the island as good value?' 'No.' 'Were you consulted as just one of the groups on Kangaroo Island as to what property might be sold off, which was announced in the budget this year, to recover \$2 million worth of revenue for the State of South Australia as some sort of offset to the cost of this walking trail?' 'No.'

I rang the council. I rang the mayor, in fact, and I asked, 'Were you consulted about what land on your island, of which you have been the mayor for 15 years, the government is going to be selling off to recover \$2 million, which was announced at the same time in the budget, in relation to the \$4½ million over two years for a walking trial?' Answer: 'No.'

The Hon. J.R. RAU: As I understand it, we have been giving a fair bit of latitude here. Normally, it is a question.

The CHAIR: As it turns out, you will be pleased to know that the desk and I were consulting about whether or not this was a question. We were just going to ask the member for Bragg for the question she was leading up to or whether we could move on.

The Hon. J.R. RAU: I think we have it, and I will give her a very quick answer because I am into brevity.

The CHAIR: We want to move on to clause 15 as amended.

Ms Chapman interjecting:

The CHAIR: Hang on, he is answering the first bit.

The Hon. J.R. RAU: In respect of that long diatribe with all those rhetorical questions, the answer is that the member for Bragg has just made a compelling case as to why we should have a commissioner to deal with those very problems and make sure there is consultation. The second point is that it is quite obvious that the member for Bragg does not agree with clause 15. I acknowledge that and I understand that. The good news is that the council does agree with it, and we obviously agree to disagree yet again about this provision.

The CHAIR: Is there another question?

Ms CHAPMAN: My question (and perhaps it was lost in the lengthy explanation) was: what consultation did your government do before deciding on and announcing the \$4½ million walking trail in this year's budget?

The CHAIR: Nothing to do with the bill.

The Hon. J.R. RAU: Ask that question in question time through the Minister for Environment. It has nothing to do with this.

The CHAIR: I did not think it did. Are there any more questions on the amended clause 15?

Mr PENGILLY: Under clause 15(2), the commissioner must appoint a member of a local advisory board as the commissioner thinks fit. Given the debacle we have had with other advisory groups and appointments, can you, minister, explain what skills, knowledge or training a person will require to become a member of a local advisory board under this KI commissioner bill?

The Hon. J.R. RAU: I thought I had already explained this. These advisory boards are task-specific: if they were looking at forestry, I would assume somebody would have to know something about forestry; if they were about shellfish, I would assume they would have to know something about shellfish; if they were about koalas, they would need to know something about koalas.

Mr PENGILLY: Pardon me if I have got this wrong, but you just said that we will have an advisory board for this, that and everything else. Are you saying—

The Hon. J.R. Rau: No, I didn't.

Mr PENGILLY: You did. You just said that we could have an advisory board for koalas, another one for shellfish and another one for something else. You basically said 'multiple advisory boards'.

The Hon. J.R. RAU: Can I just explain it again because you are proceeding from a misunderstanding.

Mr PENGILLY: I am sorry, minister, I have not finished. The point I reasonably make is that already under the natural resources management board on the island, administered by DEWNR etc., there is a series of advisory committees that operate under the whole NRM board. Are you envisaging

that you will have an advisory board and then further committees advising the advisory board which sits in direct competition to the democratically-elected council which will also be doing it?

The Hon. J.R. RAU: In answer to your question, no.

Mr PENGILLY: Clause 15(4) allows the commissioner to determine who will be the presiding member of a local advisory board. I assume from that that the minister will not be appointing the presiding member. Can the minister then explain why the advisory board cannot appoint its own presiding member of the local advisory board and why this must be a function of the commissioner?

The Hon. J.R. RAU: That is the way we have drafted it. I think the commissioner would pick people looking for the person most competent to be the presiding member to make sure that the matters the board was dealing with were dealt with properly. It may be yet another matter that we disagree about.

Mr PENGILLY: Minister, can I flesh this out a bit?

The Hon. J.R. RAU: There is not much to flesh out, it is only one sentence.

Mr PENGILLY: I do not know whether you have to go off, and I am happy to put all of this off until tomorrow and come back; however, we would like some answers. I am asking you why, in a democratic society with an advisory board, the advisory board cannot elect its own presiding member? Why must it be appointed by the commissioner? It is a perfectly legitimate question.

The Hon. J.R. RAU: It is not unusual for a minister or a commissioner or somebody to appoint a person to chair something and then other people populate the board. That is what is happening here and it is not unusual.

Clause as amended passed.

Clause 16.

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

Amendment No 7 [AG-1]—

Page 7, lines 16 to 22—Delete clause 16 and substitute:

16—Functions of local advisory board

The function of a local advisory board is to provide advice to the Commissioner in relation to any matter referred to the board by the Commissioner (and in particular in relation to any management plan or proposed management plan referred to the board).

Mr GRIFFITHS: The words are very similar to the different version in the bill. I have one great concern and that is that the word 'effectiveness' has been removed which was originally in the bill. I understand that it still refers to management plans that are referred to the board for review. It says that the function of the board is to provide advice to the commissioner in relation to any matter referred to the board. I am particularly interested as to why the word 'effectiveness' is removed from it. To me that seems to remove the people who should be the closest to giving it good scrutiny and to determine its worthiness and who have been put in place by the commissioner and the minister to assist in that process. By removing 'effectiveness' does it lose any teeth that it may have otherwise possessed?

The Hon. J.R. RAU: I have checked with parliamentary counsel and apparently it is a language thing about the fact that, when the committee is first formed, obviously there is nothing about which it can consider the effectiveness.

Ms Chapman interjecting:

The Hon. J.R. RAU: Don't shoot me, I am just the piano player. All I am saying to you is that is what I am told is the reason for this. I do not have any particular issue about this and, if it will make people feel really good, we can insert the word 'effective' somewhere between the houses as long as it does not mean that when the poor devils turn up at their first meeting they are required to immediately write a report about how effective they are when they have not done anything. That is all.

The CHAIR: Any further questions on amendment No. 7?

Mr GRIFFITHS: I completely agree with the minister's position but I am intrigued about why there is the reference to future activities and taking the word 'effectiveness' out because it is something not in place. Indeed, it mentions regional development assessment panels which do not even legally exist at the moment either. I am just confused by some of the language used in this.

The CHAIR: That is not really a question, that is a statement. Member for Finniss.

Mr PENGILLY: Can I ask the minister how often he assumes this advisory board is going to meet? Can I give you an example: currently, the NRM board on the island has a series of advisory committees which I referred to earlier. No doubt there will be some sort of attendance fee or sitting fee or whatever for these advisory committees. Shake your head or tell me I am wrong one way or the other, if that is the case. I am advised that the coast and estuarine committee, for example, under the NRM board, has not met for months and months because they do not have enough money to pay them. That is my advice. Can you help me out?

The Hon. J.R. RAU: Yes, I can. I am going to repeat what I said before. I am not sure why what I am saying is not clear, but I will try again. The idea of these committees, or these boards, is that they will be established as required having regard to whatever work the commissioner is contemplating doing, and they will continue to work for as long as that work is a project in motion. When that project is concluded, there is no need for that mob to be together.

It is not like a standing mob which will stay there indefinitely. They are brought together, in a sense, as an ad hoc committee, if you like. 'Here is the project. We are going to be dealing with forestry. We are going to be dealing with cows. We are going to be dealing with black cockatoos.' We have a meeting. We work out who the experts on black cockatoos are, we bring them all in together and we get cracking on the management plan. We might meet five times a week for three weeks. We have nussed out all the problems with black cockatoos, and then we say, 'Right, game over; thanks very much.' We have a cup of tea and a scone and we go away, and that is it, finished.

Mr PENGILLY: Minister, at the risk of being repetitive, boring and God knows what else, let me say to you again: you have told us that there is an advisory board. Now, you keep talking about multiple committees.

The Hon. J.R. Rau interjecting:

Mr PENGILLY: No, look, don't throw your head back again. It is not a difficult question. The question is: is the advisory board that goes under this legislation going to be the sole group of people who develop plans, talks or whatever? Are they going to get a sitting fee? You talk about multiple committees. Are you going to have multiple committees, and are they also going to get a sitting fee? It is a simple question.

The Hon. J.R. RAU: It may be a simple question, but it almost irresistibly comes from a wilful desire not to understand what I am saying.

Mr PENGILLY: Point of order, ma'am.

The CHAIR: Order! Just hear him out before we get any further. Let me just hear him.

The Hon. J.R. RAU: I will explain this again. We have already been through this. It is like goldfish: 'Gee, that is a nice bubble. Gee, that is a nice bubble.'

The CHAIR: Okay, so the answer is no sitting fee?

The Hon. J.R. RAU: I have no understanding of there being any commitment about sitting fees at all at this stage—none, okay? As to the other point, as we have already seen, in making up these plans there has to be a conversation between the commissioner and the council. The commissioner also has to have an advisory board, which I mistakenly called a committee. I call it a board; they are all boards.

There may be, at any given point in time, no boards, one board or maybe three boards, depending on what work is going on. If there is no particular plan being worked on at any point in time, there may be no current board, because there may be nothing about which the commissioner

requires particular input pertinent to a management plan because the commissioner is not working on a management plan at that moment.

The CHAIR: The member for Finniss is happy with that, so we are going to put the question.

Mr PENGILLY: Madam Chair, I am not. I am not, in respect of the fact that the minister made some remark about trying to cause wilful damage to the process or whatever.

The CHAIR: I do not think he meant it in that way.

Mr PENGILLY: Well, I am pretty thick-skinned and it really does not worry me; however, it was not necessary to make that comment.

The CHAIR: I do not think he meant it.

Amendment carried; clause as amended passed.

Clause 17.

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

Amendment No 8 [AG-1]—

Page 8, lines 7 to 9 [clause 17(3)(c)]—Delete paragraph (c) and substitute:

- (c) 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; and
- (ca) may seek the views of any Minister or other person or body the Commissioner thinks fit; and

Amendment No 9 [AG-1]—

Page 8, line 39 [clause 17(8), definition of *relevant local advisory board*]*—Delete 'means a' and substitute:*

means the local advisory board consulted by the Commissioner in relation to the management plan and any other

Mr GRIFFITHS: I want to put on the record again that it is my understanding that this amendment has been brought about following consultation the minister has had with the council and the request for them to ensure that consultation takes place.

Amendments carried.

Mr PENGILLY: Clause 17 of the bill requires that the commissioner must prepare management plans, ho-hum, whereas clause 17(3)(d) requires the draft management plan to be open to comment from the public. Can the minister guarantee that comments made by the public will be incorporated into future amended draft management plans?

The Hon. J.R. RAU: Clearly, the call for public comment is intended to give the public an opportunity to comment. It does not necessarily mean that each and every comment will find its way into the final management or amended management plan because quite conceivably a number of the comments could be completely diametrically opposed.

Mr PENGILLY: I note that if a commissioner fails to comply with a requirement of clause 17, it is not taken to affect the validity of the management plan. So, if there is no penalty in the event of failing to comply with clause 17 of the bill, can the minister advise what action will be taken if the commissioner fails to comply with all the requirements of the bill?

The Hon. J.R. RAU: That is part of the reason the minister can issue directions under clause 10.

Ms CHAPMAN: Clause 7, which makes provision for the preparation of management plans and the process for the amendment of them after consultation processes, for me is the most offensive aspect of the bill. It is specifically one of four functions which the minister proposes be the responsibility of the commissioner under clause 8 and it is the one which I see as the most destructive and the most confusing. As I have said before, the others are for a coordination role and may be helpful. I think they are unnecessary and an expense we do not need. I think it is the window-dressing around this part of the bill that are the killer clauses as to what is happening.

What is happening is that the government have decided they have a vision for Kangaroo Island. They have decided what is best for them, and the way of achieving it and ensuring that their vision is implemented is to appoint a commissioner. They will have a structure around him or her that facilitates them doing some fantasy consultation with the local people. They do not have to listen to it at all, they just have to consult with them—they do not have to listen to one word. After consultation, they will draw up their management plans on what they say are the priorities, the strategies, the proposals, etc., they will then implement.

The reason I think the most offensive part of this whole role is tucked away here in the bill is that there is absolutely no basis for the government requiring that anybody draw up another lot of management plans if in fact their current agencies have already done them. Let me give you an example of what I mean. If it is decided, as the minister says, that he wants to have a project specifically for the advancement, nurturing, protection of and tourism opportunities for glossy black cockatoos or sea eagles (either, I do not mind), both of which I have had frequently living on property which I still own, I want to explain to him why it is unnecessary to have another management plan relating to them.

At present, we have a NRM plan in respect of what is to happen with wildlife on Kangaroo Island. In fact, I was recently invited to a public meeting about the future arrangements for sea eagles, two of which nest along the coast where I live and have done for most of my life, to the best of my knowledge (they will probably outlive me), and I was sent a recent report on how they are progressing.

We have marine park plans which relate to land off of which sea eagles, in particular, have their harvesting grounds. We have a Department of Environment plan which relates to the management of wildlife, and they are obviously in charge of prosecution under our protection of native species. We have a bushfire plan which we will have to take into account as well as to whether we get smoke in them, or something. We have a coastal management plan and we have a new DPA, which the minister would be very aware of because he was part of the Unlocking Opportunities documents that were published in January to change the council's DPA, and that has a new charter for what the advance of coastal land on Kangaroo Island is.

They do not actually mention black cockatoos but there is an acknowledgement of the local residents (I assume that is the feathered kind as well) and the opportunity for tourism and so on. In fact, that material, which culminated in the amended DPA, seeks to promote the accommodation and tourism opportunities on a major project basis. They are not exactly the words but I think the minister has the gist of what was there. I have a copy of it here but, in any event, I think he is familiar with it.

We have a myriad of plans which, as a local owner, I have worked through. As a local ratepayer I support most of what is in them. So, why do we need someone else to come in and say, 'When it comes to glossy black cockatoos I am going to have another project, I want another plan, and what's more, if my plan isn't adhered to, notwithstanding all of these others, I am going to report the person who doesn't agree with it or doesn't give me the documents to support it or doesn't prepare contracts to support my plan. I'm going to report them to the Premier or to the parliament.' That is completely unnecessary.

The CHAIR: The question is—

Ms CHAPMAN: I am just pointing out, Madam Chair, how offensive and unnecessary this is. This is the crux of the bill.

The CHAIR: That was the question though: do we need another oversight of it?

Ms CHAPMAN: No. This is my question, Madam Chair, and I can assure you I am getting to it. So, in relation to the preparation—

The Hon. J.R. Rau interjecting:

Ms CHAPMAN: No, I have another example for you in a minute when we come to—

The CHAIR: Could we just have the question?

Ms CHAPMAN: Can I tell you, it is already confusing enough. I have already asked the people who drafted up the exclusion zones and the new marine parks as to whether the jurisdiction

they cover overlaps the three kilometres from the high water mark out into the ocean which is covered by the NRM boards—who actually has jurisdiction? Nobody has been able to give me a straight answer. I have asked the ministers. There has been a myriad Department of Environment ministers and each one, when they come through, would not have a clue. In the meantime we are still looking after our birds and there are plenty of them.

The sad thing is that for some parts of Kangaroo Island, which are under your government's responsibility, they do not look after them properly and they do not look after their habitat properly. They do not properly burn out and make sure the she-oaks regenerate and the glossy blacks have a decent home. There are people on Kangaroo Island who are keen to make sure that these species are given the best home possible and the best opportunity possible, so we will keep working to do that, notwithstanding that I think there has been a dereliction of duty in some areas of some departments of your government.

However, notwithstanding that, we have plenty of plans and we do not need another one. My question is: if a new plan is introduced to cover these birds on Kangaroo Island by your commissioner, who prevails?

The Hon. J.R. RAU: There is a chicken and egg element to this, isn't there? What came first? I think, in a way, what the member for Bragg is saying, in her eloquent and pithy way, is that we have a number of plans, and perhaps they are not being implemented. If that is the case isn't it refreshing to think that we are now about to pass a bill that will, hopefully, make that happen?

I do not envisage that the commissioner would be so silly as to decide to reinvent the wheel every time there was a topic about which there was already extensive material available. My assumption is—and if I have to make it, I will give a direction—that the commissioner, before actually embarking on the creation of something from the ground up, must have regard to any existing work that has been done. It might well be that the commissioner comes to the view, 'Do you know what? This works fine, but the problem is that a lot of people aren't paying attention to it.' In that case the commissioner's role might conceivably be relatively simple, in saying, 'Rightio. I'll go through the process, but I'll talk to the advisory people and if they all think it's good and the council thinks it's good, okay; we are adopting that now as our official plan, not necessarily reinventing the wheel. And now because we have adopted it, the rest of you characters had better start paying attention instead of ignoring it.'

Ms CHAPMAN: So with the subject matter for any of the management plans that you have in mind, as the basis upon which we need to have a management plan process, are there any areas where you think it necessary for a commissioner to actually do management plans?

The Hon. J.R. RAU: I come back to this again. This is trying to meet needs that are growing organically in the community. The framework of the legislation talks about things of an economic benefit, having regard to improving the local economy and so forth. An example that occurs to me is the provision of tourism services on the island. This is personal view, and it is not necessarily what the commissioner might want to do; I am just expressing my view. I think any rational person who thinks about it would have to say that the Southern Ocean Lodge was an outstanding addition to the island—

Mr Pengilly interjecting:

The Hon. J.R. RAU: Yes, exactly. We will come back to that; it is my point exactly. I have not struck anyone, except for a few fanatical people, who has criticised Southern Ocean Lodge. Occasionally on the island I do pick up people saying, 'Look, really they're not helping the island that much because they are sort of like a cocoon. They don't really employ local people that much,' and whatever. Leave that aside; they do put some money into the economy and they are an outstanding asset for Kangaroo Island and for Australia. I think that just in the last day or so they were voted the fourth best hotel on the planet. That is not bad at all.

I believe that high quality tourism facilities of that sort—although not necessarily that expensive, because I cannot afford to go there—on Kangaroo Island would offer a number of opportunities. They would bring money onto the island, they would provide employment, they would add some volume, perhaps, to potential air traffic; a whole bunch of other things. I think it would be

useful if a management plan took into account the environmental sensitivities of parts of the island, but also recognised that without completely ruining those environmental assets you can still have a really quality development there, and not destroy it—which is Southern Ocean Lodge basically.

If there were a management plan which explored some of those themes, and it was something that the community had been engaged in and they had had a bit of a think about it and got in behind it and the council was in behind it, wouldn't it be nice if all government departments thereafter, when considering any application of a type relevant to those types of developments, had to have regard to that plan? I am told, and the member for Finniss and the member for Bragg would know better than me, that the people who put up that proposal for the Southern Ocean Lodge had to battle for a very long time to get to the point where they were able to proceed.

Ms Chapman: It was pretty quick, actually.

The Hon. J.R. RAU: I am told it took a couple of years. The fact is that, as we know, the people behind that development have a relative who is not stuck for a quid and it was something they were able to get on with, and good on them.

I just give that as one example. If you are going to try to have a tourism plan for the island which facilitates instead of opposes and blocks good quality, environmentally sensitive, particularly coastal, development (although it could be development elsewhere in more of a woodland environment, whatever it might be), you need to get all the agencies looking at the thing from exactly the same perspective. You cannot have native veg going in one direction, DEWNR going in another direction, DPTI going in another direction, somebody else going in another direction and—

The Hon. T.R. Kenyon: Surely that would never happen.

The Hon. J.R. RAU: Surely it won't, but it definitely won't if there is one of these plans in place. The applicant, instead of being drawn and quartered by the four different directions in which these horses are running, is able to have some confidence that there is going to be a unified approach to their project within government.

Ms CHAPMAN: This is the example that is given by the minister to establish why it is necessary to have a management plan, that is, the opportunity to develop modern, appropriate infrastructure into—

The Hon. J.R. Rau interjecting:

Ms CHAPMAN: I know, I am using the example. Kangaroo Island has been the home of very significant tourism operations over the years, some of which way pre-date even the minister, and I think Southern Ocean Lodge is the most prestigious and contemporary of those. It was developed as a major project under minister Holloway and it proceeded, I think, pretty quickly once all the boxes were ticked in relation to that. There were appropriate public meetings and there was a process that was introduced. The Baillies, who were the sponsors of this major development, came to the island and talked to local people.

There were some issues in relation to clearance of vegetation for bush management purposes, there were some issues about who was going to fix the road from the main South Coast Road out to the proposed site, and some matters such as that in relation to management of detergent and whether they were going to do their laundry off site and all those sorts of things. They were all ticked off and processed, and it all happened. I congratulated minister Holloway at the time for what I thought was a very appropriate process to undertake.

It has been up and running for the last X years and paying a huge amount into the state economy. It is doing a great job, and it is a great asset for Kangaroo Island. It has fairly limited employment directly for Kangaroo Islanders, I accept that, but, nevertheless, it is an important piece of tourism infrastructure which has been privately built and which has gone through the proper process, and it is operating and operating well. It did not need a management plan and it does not have a management plan.

Moreover, since that development, which is the last major tourism development for accommodation purposes on Kangaroo Island, the government—your government, your department, in fact—has assisted the local council to redo its DPA to ensure that there is an opportunity for coastal

developments, particularly in tourist accommodation. In fact, to quote from some of the documents supporting that new DPA (which was promulgated under regulation, I think in early February or late January this year), it:

...should allow well designed accommodation for tourism that does not detract from scenic and landscape value of a location. In addition, it should envisage a limited number of resorts of excellence in scenic and landscape areas, located and designed such that scale, height, design and siting is respectful of and does not detract from views of the rural, natural or wilderness landscape, of the ocean and coastline, or the elements of the natural landscape—

etc. You could have been reading from it, minister; it is already there. I make the point that you raised this as an example of what is necessary, you say, to have a tourism accommodation or development plan that you think might be a good idea. The one example you used was handled very well by your government, and I do not give accolades for much—it was obviously a different minister. In any event, the planning rules have changed separately for that type of accommodation, which you do get credit for. I think it was a sneaky way you did it, I might say; nevertheless, it is there, it is in place.

Why do we need another management plan? If you can think of some others where you think there is a deficiency and where we do not have enough plans, I would like to hear about them. I still want to hear the answer if you think of one. Ultimately, if a commissioner is appointed and he or she prepares one, I want to know whether the council, DPA or any of these other plans are going to be subservient to this new master plan by your commissioner.

The Hon. J.R. RAU: As is often the case, the member for Bragg is correct.

Mr Pengilly: Can you say that again?

The Hon. J.R. RAU: She is correct that the new DPA my department and I worked on and put into place in January or February this year is very good—that is right—and it does cover off a lot of these issues, and I am pleased that it does. I am not sure, because I am not sufficiently au fait with the history of the matter (others in the room may be), but if it turns out that minister Holloway was obliged to go to the extent of using major project status under the Development Act in order to get the Southern Ocean Lodge moving that might be a little bit more in my corner in terms of an arguing point than in the member for Bragg's corner, although I do note that she congratulates him on having done that.

My view is that as Minister for Planning you should not be, as a matter of course, using that mechanism. It should be not so hard for an ordinary person to negotiate their way through the existing mechanism and to just do it themselves; hopefully, we fix that to some extent. Here is the rub, the bottom line of all this: you can have all the plans in the world, but if nobody pays attention to them they are not worth a cracker. That is really the point.

It is not so much about whether we have a plan or what is the plan, or whatever the case might be. I acknowledge that the member for Bragg is quite right and that the member for Finnis is quite right: there are lots of plans floating around, lots of reports. I get that, but the point is: are people paying attention to them? Are people actually acting on them? Are people, in fact, either just pretending they are not there gathering dust in a corner somewhere, or are they actively operating in such a way that these plans do not gain any traction? What I am saying is that I want to eliminate the possibility of passive resistance or noncooperation with these plans if they have been through this process. That is the point.

The CHAIR: Before we go on, I am keen to remind members that we need to proceed past 6 o'clock, if we are going to do that. Shall we report progress in a few minutes? The deputy leader has a final question.

Ms CHAPMAN: Why then, minister, if it is a situation of trying to have this management structure as a way of covering the field because we have so many other fields—we have a tourism plan incidentally which I am sure you would be aware of because you are probably the part author of it, including for the development of what is needed on Kangaroo Island—and if it is to cover the cracks, why do we not delete having management plans and advisory bodies for management plans? We would not need them in this act.

If you want to appoint a commissioner to crack the whip, get the departments going, including the council, get the material together, make sure things happen and provide an expensive and

unnecessary but nevertheless key person, and you are going to give them this mantle of commissioner/auditor to do this job, why do we not just delete clauses 15, 16 and 17 because we do not need them?

We do not need management plans, we do not need any of that. If you are saying that we want to have an action man or woman, I could probably live with that. What I find completely offensive is that they should impose a new set of plans when they consider it appropriate and that they are clearly going to be in the category. No other plan has an imposition that requires somebody to front up to some correspondence they might get from the Premier after they have been reported to the Premier or have the embarrassment, potentially, of being named in the parliament or having a report tabled in the parliament—not that, frankly, the parliament could do much about it, let's face it.

I think it is a bit of an empty threat myself, but for the general public out there to be named and shamed in that scenario could be very embarrassing and something which they have to answer for and which might be misunderstood in media circles, etc. I think it is a disgraceful process, but why have a management plan at all? Can you come up with something where you think that for this island there is an area which has not been reported on, maps prepared, plans prepared, visionary statements, objective principles? You name it, we have plenty of them. Why do we not get rid of them?

The Hon. J.R. RAU: My answer to the question is this: yes, I am after GI Jill or somebody; yes I am.

The CHAIR: Judge Judy.

The Hon. J.R. RAU: Judge Judy—somebody who is going to get out there and beat the bushes; absolutely that is what I am after. I also say this: if I had not put some mechanism for consultation with the local community into this, the totally outrageous assertion that I want to be King John or someone might have some vague credibility because it would mean that I was picking everything out. That is not the point.

The CHAIR: Are members happy if we put clause 17 as amended before we report progress?

Mr PENGILLY: I have a question.

The CHAIR: One very quick one.

Mr PENGILLY: Do you want me to leave it until tomorrow because I would like to ask another question?

The CHAIR: On clause 17? We are keen to finish clause 17. We have allowed you a lot of leeway with clause 17 today all through the bill.

Mr PENGILLY: Madam Chair, the member for Goyder has a series of questions on clause 17 as well.

The CHAIR: Still? Okay.

Mr PENGILLY: Yes. With due respect to the Chair, do you want to go ahead now or do you wish to adjourn?

The CHAIR: No, as I said, we gave you a lot of leeway with asking questions backwards and forwards on clause 17 today, but if you have more questions we will need to report progress tonight and reconvene tomorrow.

Progress reported; committee to sit again.

At 17:58 the house adjourned until Thursday 18 September 2014 at 10:30.