

LEGISLATIVE COUNCIL**Tuesday 11 May 2010****The PRESIDENT (Hon. R.K. Sneath)** took the chair at 14:18 and read prayers.**PAPERS**

The following papers were laid on the table:

By the Minister for Mineral Resources Development (Hon. P. Holloway)—

Reports, 2008-09—

AustralAsia Railway Corporation
 Claims Against the Legal Practitioners Guarantee Fund
 Courts Administration Authority
 Electricity Industry Superannuation Scheme
 Financial Budget Outcome and Consolidated Financial Report
 South Australian Trade and Investment Corporation

Supreme Court of South Australia—Report 2009

Review of the Barley Exporting Act 2007—Report, November 2009

Ministers of the Crown and Officers and Members of Parliament—Report and
 Determination of the Remuneration Tribunal—No. 1 of 2010Alternative Vehicle Requisition—Magistrate Iuliano—Report and Determination of the
 Remuneration Tribunal—No. 2 of 2010Travelling and Accommodation Allowances—Report and Determination of the
 Remuneration Tribunal—No. 3 of 2010Members of the Judiciary, Members of the Industrial Relations Commission, the State
 Coroner, Commissioners of the Environment, Resources and Development
 Court—Report and Determination of the Remuneration Tribunal—No. 4 of
 2010

Regulations under the following Acts—

Development Act 1993—

Adoption of Codes and Standards
 Local Heritage External Painting
 Regional Development Assessment Panels
 Schedule 1

Electrical Products Act 2000—Air Conditioners

Electricity Act 1996—

General—Exemption of Techport
 Principles of Vegetation Clearance

Electoral Act 1985—

General
 Prescribed Class of Materials

Firearms Act 1977—Regulated Imitation Firearms

Fisheries Management Act 2007—

Abalone Fisheries—Individual Catch Quota System
 General—Protected Species

Harbors and Navigation Act 1993—

Alcohol and Drug Testing
 Facilities Fund
 Miscellaneous

Highways Act 1926—Port River Expressway Project

Hydroponics Industry Control Act 2009—General

Lottery and Gaming Act 1936—Lottery Licences

Motor Vehicles Act 1959—

General
 Mandatory Alcohol Interlock
 Mutual Recognition (South Australia) Act 1993—South Australia
 Temporary Exemptions—Air Conditioners

Primary Industry Funding Schemes Act 1998—

Apiary Industry Fund
 McLaren Vale Wine Industry Fund

Public Corporations Act 1993—Land Management Corporation
 Public Sector Act 2009—General
 Public Sector (Honesty and Accountability) Act 1995—Honesty and Accountability
 Road Traffic Act 1961—Miscellaneous—
 Blood Test.
 Revocation of Regulation 28
 Summary Offences Act 1953—Dangerous Articles and Prohibited Weapons—Gas
 Injector Devices
 Trans-Tasman Mutual Recognition (South Australia) Act 1999—Air Conditioners
 Valuation of Land Act 1971—Fees and Allowances.

Rules under Acts—
 Road Traffic Act 1961—Vehicle Standards—General

Rules of Court—
 District Court—District Court Act 1991—
 Civil Rules—
 Amendment No. 12
 Amendment No. 13
 Criminal and Miscellaneous Rules—Amendment No. 9
 Magistrates Court—Magistrates Court Act 1991—
 Civil Rules—Amendment No. 32
 Magistrates Court Rules—Amendment No. 34
 Supreme Court—Supreme Court Act 1935—
 Civil Rules—Amendment No. 11
 Criminal Rules—Amendment No. 26
 Supreme Court Civil Rules—
 Amendment No. 10
 Amendment No. 10—Erratum

Codes of Practice under Acts—
 Authorised Betting Operations Act 2000—Code Alterations—Responsible
 Gambling—Pre-commitment

Dangerous Areas Declarations Return pursuant to Section 83B of the Summary Offences
 Act 1953—1 October 2009 to 31 December 2009

Directions to the Commissioner of Police pursuant to the Police Act 1998

Road Block Establishment Authorisations Return pursuant to Section 74B of the Summary
 Offences Act 1953—1 October 2009 to 31 December 2009

SkyCity Adelaide Pty. Ltd.—Variation of Casino Duty Agreement—Second Amending
 Agreement

By the Minister for Urban Development and Planning (Hon. P. Holloway)—

Architects Board of South Australia—Report, 31 December 2009
 Bushfires (Miscellaneous Amendments) Development Plan Amendment by the Minister—
 Report
 Rural City of Murray Bridge—Better Development Plan (BDP) and General Development
 Plan Amendment Report by the Council

By the Minister for Industrial Relations (Hon. P. Holloway)—

Regulations under the following Acts—
 Fair Work Act 1994—General—National Industrial Relations System.
 Workers Rehabilitation and Compensation Act 1986—Claims and Registration—
 Discontinuance Fee—Insertion of Regulations 16A

Rules under Acts—
 Fair Work Act 1994—Industrial Proceedings Rules—
 Amendment No. 35—Monetary Claims
 Fire and Emergency Services

By the Minister Assisting the Premier in Public Sector Management (Hon. P. Holloway)—

Regulations under the following Acts—
 Children's Services Act 1985—Public Sector Consequential Variations
 Dental Practice Act 2001—Public Sector Consequential Variations
 Development Act 1993—Public Sector Consequential Variations

Education Act 1972—Public Sector Consequential Variations
 Emergency Services Funding Act 1998—Public Sector Consequential Variations
 Freedom of Information Act 1991—Public Sector Consequential Variations
 Local Government Act 1999—Public Sector Consequential Variations
 Motor Vehicles Act 1959—Public Sector Consequential Variations
 National Parks and Wildlife Act 1973—Public Sector Consequential Variations
 Opal Mining Act 1995—Public Sector Consequential Variations
 Passenger Transport Act 1994—Public Sector Consequential Variations
 Police Act 1998—Public Sector Consequential Variations
 Protection of Marine Waters (Prevention of Pollution from Ships) Act 1987—Public
 Sector Consequential Variations
 Public Corporations Act 1993—Public Sector Consequential Variations
 Stamp Duties Act 1923—Public Sector Consequential Variations
 Superannuation Act 1988—Public Sector Consequential Variations
 Technical and Further Education Act 1975—Public Sector Consequential
 Variations
 Wilderness Protection Act 1992—Public Sector Consequential Variations
 South Australian Public Sector Code of Ethics

By the Minister for State/Local Government Relations (Hon. G.E. Gago)—

Reports, 2008-09—

Carrick Hill Trust

Controlled Substances Advisory Council

Dog Fence Board

South Australian Multicultural and Ethnic Affairs Commission

South Australian-Victorian Border Groundwaters Agreement Review Committee

Teachers Registration Board of South Australia

South Australian Council on Reproductive Technology—Report, 2009

Regulations under the following Acts—

Anangu Pitjantjatjara Yankunytjatjara Land Rights Act 1981—General

Crown Land Management Act 2009—General

Dog and Cat Management Act 1995—General

Environment Protection Act 1993—Waste Deposit Levy

Local Government Act 1999—General—Local Government Sector Employees

Natural Resources Management Act 2004—

Financial Provisions—OC-NRM Levy

Marne Saunders Prescribed Water Resources Area—Reduction of Water
Entitlements

SACE Board of South Australia Act 1983—Fees

Upper South East Dryland Salinity and Flood Management Act 2002—

Projects Works Corridors—No. 2

Statutory Easements

Corporation By-Laws—

Charles Sturt—No. 5—Management of Vehicles and Animals

Mitcham—No. 6—Cats

District Council By-Laws—

Mid Murray—

No. 1—Permits and Penalties

No. 2—Local Government Land

No. 3—Roads

No. 4—Local Government Land

No. 5—Dogs

No. 6—Cats

No. 7—Bird Scaring Devices

No. 8—Caravans and Camping

Port Augusta—

No. 2—Moveable Signs

No. 6—Waste Management

Robe—

No. 1—Permits and Penalties

No. 2—Local Government Land

- No. 3—Roads
- No. 4—Moveable Signs
- No. 5—Dogs
- No. 6—Cats
- No. 7—Bird Scarers
- Yankalilla—
 - No. 1—Permits and Penalties
 - No. 2—Local Government Land
 - No. 3—Roads
 - No. 4—Moveable Signs
 - No. 5—Dogs
 - No. 6—Nuisances caused by Building Sites
- Environment Protection (Waste to Resources) Policy 2010

By the Minister for Consumer Affairs (Hon. G.E. Gago)—

- Regulations under the following Acts—
 - Building Work Contractors Act 1995—Exemptions
 - Liquor Licensing Act 1997—
 - Dry Areas Short Term—
 - Adelaide Area 1—Bonython Park
 - Adelaide Area 2—Elder Park
 - Beachport Area 1
 - Glenelg Area 1
 - Morgan Area 1
 - Robe Areas 1-3
 - Rymill and Rundle Park
 - Rymill and Rundle Park—Fringe Festival
 - Two Wells
 - Unley
 - Wallaroo Areas 1 and 2
 - Dry Areas Long Term—
 - Angaston and Lyndoch
 - Christies Beach
 - Cooper Pedy
 - Fisherman Bay and Port Broughton
 - Grange and Henley Beach
 - Hallett Cove
 - Meningie
 - Strathalbyn
 - General

QUESTION TIME

MINING SUPER TAX

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:34): I seek leave to make a brief explanation before asking the Minister for Mineral Resources Development a question about the resources super profits tax.

Leave granted.

The Hon. D.W. RIDGWAY: The recently released Henry tax review recommended a resources rent tax for the mining industry targeting its profits obtained from high value resources. In response, the Rudd government has announced the resources super profits tax of 40 per cent on the super profits of the mining industry.

However, in contrast to the recommendation of the Henry review, the federal government's proposed tax is not currently limited to high value resources; rather, it taxes all extractive industries. It is interesting to note that only last week the Treasurer said that it was a win-win tax and now, of course, he is rethinking his position.

The minister would know that extractive industries include limestone, sand, gravel, rock and other materials used by the construction industry, which do not yield super profits to the extractive industries. My questions are:

1. Has the government undertaken any estimates as to what impact the introduction of the resources super profit tax will have on construction industries and projects, in particular housing affordability and the cost of major capital projects, such as the Southern Expressway, the South Road Superway, the new RAH and, of course, the Adelaide Oval upgrade, all of which are significant projects and involve—

The Hon. B.V. Finnigan interjecting:

The PRESIDENT: Order!

The Hon. D.W. RIDGWAY: Mr President, chuck him out or I'll walk over there and pick him up and chuck him out myself.

The PRESIDENT: Order! I'd like to see that!

The Hon. D.W. RIDGWAY: My second question is: what representation has the minister made to the federal government to protect our important extractive industries from this ridiculous tax?

The PRESIDENT: The minister will disregard the opinion in that question.

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Industrial Relations, Minister Assisting the Premier in Public Sector Management) (14:36): Well, there would not be much to answer then, Mr President. To go back to this important matter, my understanding is that the Treasurer will be making a statement on the broad issue of the commonwealth proposal in the other house later on today, and that will set out the government's position.

The honourable member does raise an important matter about what the impact of this tax, if any, will be upon the extractive industries. I have asked my department to investigate this matter, and I have made some inquiries. One presumes that the tax will apply to extractive minerals. However, as I indicated in answer to a question last Thursday, the government will be seeking to get that information from the industries. Clearly, we will be looking for any industry that might be affected by the super profits tax to do their sums.

I had a chance to look at the commonwealth paper over the weekend, and it is a fairly complex document, like all such taxes. It is full of tax credits and so on, and how they operate with various levels of deduction and so on is obviously quite a complex matter to determine. In relation to the extractive industry, as well as other sectors of the mining industry, we are seeking an understanding of the impact upon industry, and we will be making whatever representations are necessary to the commonwealth government in relation to that matter. My department is working on a paper in relation to that issue as we speak and, clearly, we are talking to the industry. That has been my involvement with that matter, and these issues will be taken up with the federal government at the highest possible level.

HOME INSULATION SCHEME

The Hon. J.M.A. LENSINK (14:38): I seek leave to make an explanation before asking the Minister for Consumer Affairs a question about the home insulation bungle.

Leave granted.

The Hon. J.M.A. LENSINK: The minister has referred in this place to the national push for the takeover of state licensing, as well as other areas in relation to consumer protection. The unfortunate death of a number of installers of insulation under the federal government's insulation rebate scheme has no doubt caused great concern for many in our community. I understand that in South Australia installers must be licensed with a building work contractor's licence and have an additional qualification to do with building work supervision.

I note from the OCBA online publication, which I accessed on 17 March this year, that the information that goes with that application states:

The application process for licensing of insulation installers has been streamlined in order to support the commonwealth government's energy efficient home package.

My questions are:

1. Is the minister concerned that national consistency of trade licensing will cause the standard of licensing to be reduced?

2. Is the minister concerned that pressure to streamline licensing of installation installers for the benefit of the insulation rebate scheme has weakened OCBA's licensing powers?

The Hon. G.E. GAGO (Minister for State/Local Government Relations, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister for the City of Adelaide) (14:39): In relation to national trade licensing standards generally, there has been a push to introduce a more nationally consistent approach with trade licensing. At the moment these matters are regulated by the different jurisdictions, and it is like a patchwork quilt. It is quite messy for those companies that work across borders—and many do. There are very messy arrangements and a duplication of processes.

In fact, the national trade licensing push is about identifying those trades or occupations that can be brought together under a national umbrella so that a simpler system for regulating them can be put in place. I think overall that is a very positive thing. It decreases red tape and creates a simpler and more accessible system for workers in Australia, which is good for business in Australia. It is good if trade workers can come here and easily access trade in any state or territory.

In terms of streamlining the home insulation program, which was put in place by the Australian government and which has since been dismantled, here in South Australia we were very fortunate because installers in this state are, and have been for a considerable time, required to be licensed. We have had greater regulation and control around the industry than occurs in other states. In fact, to the best of my knowledge I do not think any other jurisdiction has that form of licensing. I might be incorrect, but I think we are the only state.

It went very well when these problems started to occur with this scheme. South Australia was in a very strong position because of our tighter regulation to monitor the installation of insulation in this state compared with other states. As a consequence, fewer compliance problems were identified in this state compared with other states.

The streamlining to which the honourable member is referring was simply an administrative process to assist organisations that wanted to access the arrangements in relation to the rebate scheme established by the commonwealth. I do not believe that any of our standards were compromised in any shape or form whatsoever. It was simply an attempt to expedite the paperwork, if you like, in order to enable people to gain their licence and to access the service.

OCBA commenced a fairly significant compliance campaign in July 2009. It has monitored and scrutinised installers very carefully. A number of them are under investigation. We were very fortunate here because very few installations were made with the foil. Foil installations, which were not common practice in this state, appear to have created most problems nationally. We had very few installed here.

Indeed, I wish to remind any consumers who have any safety concerns about their insulation to contact the Office of Consumer and Business Affairs so that it can outline the steps they need to take in order to ensure their homes are safe. There is also a lot of information online.

HOME INSULATION SCHEME

The Hon. J.M.A. LENSINK (14:44): As a supplementary question, will the minister agree to bring back to the council exactly what the terminology 'streamlining' refers to in OCBA's processes?

The Hon. G.E. GAGO (Minister for State/Local Government Relations, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister for the City of Adelaide) (14:44): I am happy to do that, Mr President.

BURNSIDE COUNCIL

The Hon. S.G. WADE (14:45): I seek leave to make a brief explanation before asking the Minister for State/Local Government Relations a question about the Burnside council.

Leave granted.

The Hon. S.G. WADE: On 2 July last year the minister stated that, in relation to Burnside council, she found it:

...very disappointing that the council has had a considerable amount of time to manage and deal with their internal problems and they've failed to do that so they've in fact failed their ratepayers and they've really discredited local government.

Even though there had been concerns about Burnside council before the minister was appointed to the local government portfolio, it took the minister more than six months—until 22 July—to act and launch a formal investigation under Mr Ken MacPherson. A week after the inquiry was launched, she described the council as nothing short of a disgrace. Despite commitments to provide a public report by October last year, on 13 October 2009 the minister extended the deadline for the report of the investigation to January this year.

On 9 February, the minister further delayed the report for another month, with a new deadline set for 'at least a month's time'. On 31 March the minister released yet another statement indicating that the report was not yet ready and that those mentioned in the report would be given the opportunity to respond to any allegation made against them. The minister has claimed that it is 'in everyone's interest to complete this as expeditiously as possible', yet what the minister claimed would be a three month investigation is now approaching a year long investigation. My questions are:

1. Will the minister confirm that the opportunity for persons referred to in the investigation report to consider their responses to the report before it is made public has commenced?
2. Why has the investigation been delayed more than three times given the minister's previous statements of the need for an expeditious investigation?
3. When will the report be completed, and will the minister reaffirm her commitment to table the report when it is completed?

The Hon. G.E. GAGO (Minister for State/Local Government Relations, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister for the City of Adelaide) (14:47): The answers to all the honourable member's questions are already firmly on record. I have given a number of statements in this place outlining the reasons behind the delays in the report, but, as the honourable member has obviously failed to grasp the understanding of those, I am happy to go through it again.

The honourable member knows that, in July 2009, I appointed Ken MacPherson to conduct an independent investigation into the conduct of the Burnside council.

The Hon. J.S.L. Dawkins: How many months ago was that?

The Hon. G.E. GAGO: I am asked, 'How many months is that?' How dumb is that? July last year—can't they work it out on their fingers? Get your fingers out and work it out for yourselves. It is not like it—

The Hon. J.S.L. Dawkins: How long does it take?

The PRESIDENT: Order! The minister is answering the question. Be patient.

The Hon. G.E. GAGO: I have answered this so many times, but, anyway, I am happy to waste the time of members answering it again. In terms of the complaints (and I have already put this on record) around Burnside council, we received complaints for some time over a number of years. Each of those complaints that I received during my time—and I know that the Hon. Jennifer Rankine received some—was investigated by our unit and was assessed as not being substantiated enough to warrant a full-blown investigation. As I have put on the record before, it was not until the CEO resigned—I think, in July 2009—and made a public statement about the workplace being unsafe that I was provided with the trigger to conduct a fully-blown investigation, which I did.

The time frame given for the investigator was around three months, and Mr Ken MacPherson agreed to conduct it. He requested further time, given that at the time he believed that three months would be enough. He then had time to scope the investigation and, as I have already reported in this place before, given that a decision was made to make the submissions to the investigator open to the public—that it was not just an investigation of council, councillors and council staff, as many of these investigations are—this was open to the broad public.

Notices were put in newspapers, and the general public were invited to be involved and to submit issues of concern, so it was opened up very broadly, and it was not until the investigator had an opportunity to receive the responses from those expressions of interest that he was able to scope it.

He came back to me and said, 'Minister, this is clearly the level of interest in this, the number of interviews that are going to be done, and the number of submissions that I'm likely to receive will warrant an extension of time.' It was a reasonable request and, in the interests of providing greater scope and input into the evidence received, I agreed to that.

Further work was done, and the investigator came back to me and reported again. I think I made a ministerial statement on this; if not, I am certainly on record. Very close to the end of the extension of time, the investigator identified additional new evidence which was brought to his attention at the last minute and which had a significant bearing on the investigation.

The investigator informed me that it would require him to go back and re-interview a number of the witnesses, that it was of a very serious nature and that it would require going back and revisiting some of that important work. Clearly, it was again in the public interest to allow him a further extension of time to do that.

I have been advised that he is now in the final stage of the report, which is a natural justice stage where I understand that those people who the investigator has findings against and who are likely to be named in the report are given an opportunity to hear the findings the investigator wishes to put in the report and to respond to those to the investigator.

My understanding is that that is the phase that is in place now. How long it will take, I don't know. It obviously will depend on the access to individuals and the length of time individuals need to respond to that; some might even want legal counsel in relation to that. Who knows? The investigator is not able to give me a clear indication as to how long that will take, so I do not know how long it will take.

I believe that the most important factor in this is, first, that a thorough, complete and reliable investigation is conducted so that whatever findings come out of it cannot be challenged, or if we are challenged they cannot be upheld, and that it is a report of high integrity so that we do not end up spending the next five years in court fighting over legalities.

It is most important that the integrity of this report is upheld and that the investigator is allowed to get on and do the job that he believes and assesses to be necessary and to do it in a competent, reliable and thorough way. For any of us, particularly for me as minister, to interfere with that process would be most improper and irresponsible. Although I personally am incredibly frustrated, as I know others are, at the length of time that this has taken, I believe that it is in the public interest for this matter to be resolved, and I look forward to receiving the investigator's report and finalising these matters once and for all.

BURNSIDE COUNCIL

The Hon. J.M.A. LENSINK (14:55): Does the minister hold concerns that the extended process has allowed the Burnside council to continue to proceed down the path of selling the Chelsea Cinema against the wishes of the community?

The Hon. G.E. GAGO (Minister for State/Local Government Relations, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister for the City of Adelaide) (14:55): I have already spoken in this place about the issue of caretaker provisions with investigations. There are no caretaker provisions, so I have no power or authority to prevent the council from operating until an investigation has been completed. There are other matters and responses from council in relation to those findings, and my ministerial powers are limited by that. The council, by law, is entitled to continue to operate in terms of its daily business. In relation to any matters before it, the council is required to fulfil its obligations under the Local Government Act and a number of other pieces of legislation; so, unless the council fails to do that and another breach of some kind is found, there are no powers to intervene.

BURNSIDE COUNCIL

The Hon. J.A. DARLEY (14:56): I understand that the original cost of this investigation was estimated to be in the order of \$250,000 based on a three month report. Can the minister advise what is the total cost to date? Further, can the minister give any indication as to what the likely budget will be in order to complete the report?

The Hon. G.E. GAGO (Minister for State/Local Government Relations, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister for the City of Adelaide) (14:57): I am already on the public record outlining the costs associated with this matter. I made publicly available the last round of figures, and I think I even

went on radio and talked about those figures. I do not have the figures with me here today but they are on the public record. However, because those opposite are such a lazy bunch, I am more than happy to bring those figures back to the council. As I said, I have been on the public record and outlined the costs. They have escalated significantly because of the extension of the investigation, and I am happy to bring those figures back.

The point is that the issue is not one of cost but that we resolve any issues of concern and make sure that our councils are held publicly accountable and are required to meet public standards and public expectations. That is the point here. The issue is not one of cost but to ensure the integrity of our local councils sector.

MINING SUPER TAX

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Industrial Relations, Minister Assisting the Premier in Public Sector Management) (14:58): I table a ministerial statement made today by the Treasurer on the commonwealth resource super profits tax.

QUESTION TIME

MINERAL EXPLORATION

The Hon. I.K. HUNTER (14:58): I seek leave to make a brief explanation before asking the Minister for Mineral Resources Development a question about the Plan for Accelerating Exploration.

Leave granted.

The Hon. I.K. HUNTER: I understand that the South Australian government has worked to assist the mining industry through the implementation of successful initiatives, such as the Plan for Accelerating Exploration, otherwise known as the PACE initiative. Will the minister provide an update to the chamber on the progress of this PACE initiative?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Industrial Relations, Minister Assisting the Premier in Public Sector Management) (14:59): I thank the honourable member for his important question. South Australia's \$30.9 million Plan for Accelerating Exploration (PACE) initiative is now recognised throughout Australia and around the world as one of the most successful government initiatives in stimulating new mineral discoveries and attracting and securing major levels of mineral exploration investment.

The Premier released the Labor Party's Mining in South Australia Policy 2010 during the recent election campaign that resulted in this government being returned for a third term. The cornerstone of this policy is a \$10.2 million expansion of the PACE initiative which will help further drive resources exploration and mining developments in this state.

The new PACE initiative, PACE 2020, has been developed to build on the success of the initial PACE initiative and is focused on maintaining mineral exploration levels at or above South Australia's Strategic Plan target of maintaining minerals exploration spending at more than \$100 million per year. Not only does PACE 2020 offer an opportunity to build on previous successes, it also allows us to respond to the current pressures and issues faced by the resources sector in the aftermath of the global financial crisis.

I was delighted recently to announce 23 resource exploration projects of drilling grants totalling \$1.35 million from the sixth round of funding under the PACE initiative. The variety of projects funded in the latest round is very encouraging and clearly demonstrates that PACE is continuing to generate worldwide interest in South Australia as an investment destination. The successful projects were among 63 high quality applications which included minerals, petroleum and geothermal prospects in South Australia. In the first five years of PACE, the successful outcomes from the eight PACE themes have been a primary contributor to the strong growth in the exploration minerals sector in South Australia.

PACE Theme 2 Drilling collaborations PIRSA Industry has delivered a number of significant new mineral discoveries for the state, which are unlikely to have been drilled in the absence of the PACE initiative. These drilling collaborations have also extended valuable resource estimates, tested new exploration models and deposit styles, and contributed hugely to the geological understanding of South Australia. A total of \$11.35 million of PACE funding has been

directed towards 191 successful exploration drilling projects rounds 1-6. These projects were spread across all regions of the state targeting a wide range of commodities and include: the Carrapateena prospect; the Four Mile project; the Bramfield, Malache and Oakdale prospects; and the Gullivers and Dromedary heavy mineral sands prospects. PACE 2020 shares the core principles of the original PACE initiative, namely, economic stimulation, accessibility to land, increasing cultural awareness and balancing development with the environment.

The programs of PACE 2020 have been specifically designed to drive forward mining development and will continue to act as the primary mechanism in building South Australia's international profile and strengthening investor confidence in the state's resources sector. Imitation is the highest form of flattery, and mining jurisdictions around the country have either developed or are in the process of developing similar incentive schemes. To stay at the forefront of innovation, South Australia's PACE initiative has been adapted to ensure we can continue to stimulate new discoveries that ultimately lead to new mining developments.

A PIRSA customer survey indicated that 96 per cent of respondents stated that PACE was very effective in increasing industry awareness of the exploration opportunities in South Australia. Mineral exploration expenditure is a lead indicator of the buoyancy of the industry during periods of good economic times and rising commodity prices. The year before the introduction of the PACE initiative, 2003, mineral exploration expenditure in South Australia stood at \$35.9 million, just 4.9 per cent of the national mineral exploration spend. Mineral exploration expenditure of calendar year 2008 exceeded \$300 million, or 12.2 per cent of total Australian mineral exploration expenditure.

South Australia continues to significantly surpass the South Australian Strategic Plan target of maintaining annual expenditure on exploration above \$100 million. The South Australian government has worked hard in the past eight years to create a climate of certainty within the state. The PACE initiative has been an incredibly successful program, delivering extraordinary growth in the minerals and energy sectors for South Australia. I am confident that PACE 2020 will continue to be a key driver for sustaining economic development in this state through the minerals and energy sectors.

WORKERS COMPENSATION TRIBUNAL

The Hon. A. BRESSINGTON (15:04): I seek leave to make a brief explanation before asking the Minister for Industrial Relations a question about the rules of the Workers Compensation Tribunal.

Leave granted.

The Hon. A. BRESSINGTON: All parties to proceedings in the Workers Compensation Tribunal are bound by the rules of the tribunal. However, from evidence presented to my office, 'all parties' does not appear to include WorkCover, the compensating authority. One such example of WorkCover deliberately breaching tribunal rules for its own benefit is the use of redemption agreements drafted by its lawyers, instead of the redemption proforma, known as form 5, required by rule 23 of the 1996 tribunal rules, which relevantly reads, under subsection (2):

In the case of an agreement the agreement must be in accordance with form 5 and must include all particulars of all relevant parties.

I have made numerous inquiries into the use of form 5, and I have been unable to find any evidence of its use post mid-1997. Additionally, a prominent advocate for injured workers submitted a 107B request to WorkCover for her 1999 redemption agreement—specifically, her form 5—to be told that not only did it not exist but the officer responsible for her request had never heard of form 5. However, rule 23 of the tribunal was not amended until 2005, and no practice direction was issued by the President of the Workers Compensation Tribunal, as provided for by rule 24, setting aside the requirement to use a form 5.

WorkCover's constructed redemption agreements include privacy and confidentiality provisions, whereas form 5 does not. In addition, the constructed agreements—unlike form 5—do not require the compensating authority to receive a written copy of the financial and legal advice required prior to the redemption by section 42(2) of the Workers Rehabilitation and Compensation Act 1986 and, rather, simply sought certificates certifying that advice had been given. This potentially relieved WorkCover of the responsibility, and any associated liability, for ensuring that this advice was competent and that it had fully informed injured workers of their rights and the implications of redemption agreement as required by the act. My questions are:

1. How many redemptions that fell within the purview of the tribunal were executed between 1996 and 2005? Of those, how many were recorded on a form 5?
2. Given that subsequent agreements were recorded on documents drafted by the legal representatives of the compensating authority, what involvement did the compensating authority have in ceasing to comply with the requirements of rule 23?
3. Was advice received by the compensating authority regarding the requirements of rule 23? If so, will the minister make this available to the council?
4. Is the minister concerned that injured workers were seemingly negatively impacted by the noncompliance with the requirement to use form 5?
5. Will the minister initiate an investigation into noncompliance with the tribunal rules by WorkCover, the claims agents and the tribunal?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Industrial Relations, Minister Assisting the Premier in Public Sector Management) (15:07): The honourable member has asked for detailed information going back to 1996. Obviously, I will have to take that part of the question on notice, see what information is available and get back to her.

The Hon. D.W. Ridgway interjecting:

The Hon. P. HOLLOWAY: No, it was actually six years before we were elected to government.

The Hon. A. Bressington: 2005 wasn't.

The Hon. P. HOLLOWAY: No, but I will have to get the information. The honourable member suggested that WorkCover was not abiding by the rules of the tribunal. I am sure the tribunal is well capable of protecting the rules under which it operates and that if there is any noncompliance the tribunal is able to deal with that.

The other day I was reading about some of the cases that have been before the tribunal, and I understand that at least one case involved a challenge to the procedures that were being used. If the tribunal believes that is not the case, it is certainly capable of taking the appropriate action. However, I will investigate the matters raised by the honourable member and bring back a reply.

MINING SUPER TAX

The Hon. R.I. LUCAS (15:08): I seek leave to make a brief explanation before asking the Leader of the Government a question on the subject of the federal government super tax.

Leave granted.

The Hon. R.I. LUCAS: Last week, the minister gave a series of responses to questions on the super tax. I do not propose to go through all of those; nevertheless, he argued that the state government had not been contemplating an across-the-board increase in royalties but that, if it had been contemplating an increase in royalties, it related to only two instances: Olympic Dam and OneSteel.

The federal government has made it quite clear that the proposed super tax, as well as the proposed rebate of state royalties, would apply to existing royalty rates and any previously announced proposed increases. I forget the exact words, but it was something along those lines. That certainly catered to the circumstances in Western Australia, where premier Barnett had publicly announced a policy change for increased royalties. There is clearly now to be a debate in South Australia, because the Treasurer had indicated publicly, only in the last week or so, that he had been thinking about an increase in royalties although he had not made a previous statement about it.

My question to the minister is as follows: given that last week the minister made it quite clear that the state government has not been considering an across-the-board increase in royalties, does the minister now accept that any rebates of state royalties to mining companies in South Australia to be provided by the federal government will relate only to existing levels of royalty rates for all mines with the possible exception of Olympic Dam and OneSteel, which will clearly have to be negotiated with the federal government?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Industrial Relations, Minister Assisting the Premier in Public Sector Management) (15:11): The point I was making last week was that about 90 per cent of all mining royalties that this state receives come from two mines. We get petroleum royalties which are largely paid by Santos with some also from Beach and Stuart Petroleum and other minor players in the Cooper Basin, and slightly less than half of the state's royalties are petroleum royalties, but as far as mining royalties are concerned, about 90 per cent of that figure comes from those two mines.

That was the area where the government had been particularly looking at its revenue. The point I was making last week involving development of the mining industry was that copper gold has been the main mineral produced in this state. There have been exceptions, such as OneSteel with iron ore and obviously coal from Leigh Creek which was used for power generation, but most metalliferous mines in this state have been copper gold. In addition, we have had uranium produced at Olympic Dam and also Beverley.

Moving into different types of mining in this state, we have had the first mineral sands mines opening in recent years, and we can also expect that there will be more iron ore mines operating, so that is why it has clearly been appropriate for the state government to look at what is an appropriate rate of royalties for minerals other than those which have been traditionally produced and which provide 90 per cent of the mining royalties in this state.

As far as any commonwealth-state tax is concerned, the important thing is that we get the design of the commonwealth tax system correct so that it will maximise the opportunities for mines to go forward in South Australia. The best way that this state can achieve its maximum return from our resources is to have a project such as Olympic Dam proceed. As the honourable member will find if he looks at the statement that I have just tabled from the Treasurer, clearly the government—

The Hon. R.I. Lucas: That's not my question.

The Hon. P. HOLLOWAY: I know it's not the question but it is completely relevant to it. Let me make the point again: 90 per cent of the state's royalties to date come from two mines and we had been reviewing those. As I just indicated more generally, given the new type of mines that we have been developing in this state in areas that we have not previously been involved in such as mineral sands, a greater level of uranium and also iron ore, it is appropriate that the return on those mines should be investigated because, clearly, the structure of our mining industry is changing.

To come back to the issue of what would be rebated, one of the issues that this state will have to consider is that the royalties scheme in this state is designed to have a concessional rate for the first five years of mining to reflect the conditions actually faced by the mining industry, particularly those projects that have high initial start-up and capital costs but get a larger return in the later years.

In many ways, our royalty design, I would argue, is much more in line with the properties of a resource rent tax for minerals. It had many of the features that I believe the commonwealth tax is trying to replicate. Therefore, it would be unfortunate indeed if this state were to be penalised in this regard by its having a better designed royalty tax, deliberately designed to encourage mines to go ahead, relative to that which applies in other states. I am sure there are things we will be looking at and taking up with the Treasurer. I think we have a very good case to make in relation to that particular factor.

PRODUCT SAFETY

The Hon. R.P. WORTLEY (15:16): I seek leave to make a brief explanation before asking the Minister for Consumer Affairs a question about the new product safety website.

Leave granted.

The Hon. R.P. WORTLEY: I am pleased that consumers can find out about the safety of products before they buy at one easy location by visiting this website. My question is: can the minister give the chamber more details about the site?

The Hon. G.E. GAGO (Minister for State/Local Government Relations, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister for the City of Adelaide) (15:17): I thank the honourable member for his most important question. I am sure that all members would be interested in informing their constituents about this

particular new website, which is packed with information and advice on everything from toys, cosmetics, hardware and health products through to furniture and vehicles.

Product Safety Australia is the primary online source of government information about product safety, assisting both consumers and suppliers to make, buy and use safe products. When visiting the website, you can sign up for automatic email updates, which can be customised according to people's needs or particular areas of interest.

This product safety site keeps consumers up to date with risks associated with unsafe or misused products, how to choose safe products and current safety issues that regulators are watching. The site (productsafety.gov.au) is quite easy to find, and it gives consumers access to information about mandatory safety standards, product alerts and bans, myths, product safety tips and legal cases relating to product safety, and, importantly, it allows consumers to lodge complaints online. The site also gives manufacturers and suppliers access to information on how to comply with product safety standards and how products are regulated in Australia. This is about helping to minimise the risk of injuries, illness and even death related to unsafe goods, which I am sure all members would agree is a very positive and good thing to do.

I am pleased to advise that the SA Office of Consumer and Business Affairs has worked with the Australian Competition and Consumer Commission and regulators around the country on the development of the website. Members can be assured that we will continue to maintain and update the OCBA website with local product safety information, which is obviously very important and no doubt of great interest to South Australian consumers.

POINT LOWLY

The Hon. M. PARNELL (15:19): I seek leave to make a brief explanation before asking the Minister for Mineral Resources Development a question about Point Lowly.

Leave granted.

The Hon. M. PARNELL: In 2008, a major oil leak was discovered under the Santos refinery at Point Lowly, within close proximity to the breeding ground of the extraordinary giant Australian cuttlefish. In November last year, Santos announced that a barrier would be in place by the end of that year to stop the leak entering the sea. In January this year, with the barrier still not complete, it was reported that the Environment Protection Authority was investigating whether Santos breached its licence as a result of the leak.

In the middle of March this year, reports started circulating that the fuel leak had already reached the local groundwater table and that all interventions to that point to stop the leak spreading had failed. As a result of these reports I raised concerns in the media about the lack of detailed information forthcoming from Santos and the EPA.

On 16 March this year, in response Santos said that it still did not know the source of the leak, despite reporting in January what it thought was the source. Despite this, Santos plant manager Warren Kruger confidently declared on ABC radio that 'it has been contained within the confines of the plant and the size of the plume is not growing'.

Six days later on 22 March, after the state election—and members would be aware that industrial development at Point Lowly was an important issue for the electors in Whyalla—the EPA finally contradicted Santos's claim by saying that the oil had migrated beyond the plant. At the time the EPA said that the investigation into whether Santos had broken any laws during its oil spill at its Port Bonython plant was continuing. My questions are:

1. Who is telling the truth—is it Santos or the EPA—over the size of the Port Bonython refinery leak? How far has the leak actually spread?
2. When will the investigation into the oil leak at the Santos refinery, including whether Santos has broken any laws, be completed?
3. What guarantee will the minister give that the delicate marine environment at Point Lowly will be safe from current and future industrial development—which includes a desalination plant, new refineries and a mineral export port—when a two year old pollution leak from a current refinery on the site has still not been contained?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Industrial Relations, Minister Assisting the Premier in Public Sector Management) (15:21): The questions relate to what the EPA is doing

in relation to the leak from the Santos terminal. As they are not within my portfolio, I will take that part of the question on notice and obtain information as to current situation. It is my understanding that when this leak was discovered bunding or extra bunding was constructed immediately around the site so there would be containment of any leakage from the site, but I will seek further information.

The honourable member asked about future development. I am aware that Stuart Petroleum had a proposal for the storage of diesel in the Port Bonython region. These tanks are many years old. I think they were constructed in the 1970s or 1980s when the original terminal was built. In relation to approvals that were given for the more recent proposal, there is now a requirement for sealing underneath any storage tanks that are used.

I am told that these leaks are extremely difficult to determine. It is not that Santos has not been trying. I believe it has spent tens of millions of dollars trying to rectify the problem. I do not think it would be fair to suggest that Santos has not been trying to deal with the problem. Clearly, it is very much in its interests to do so, but apparently it is very difficult to determine leaks under storage tanks.

It is my understanding that for future approvals there will be a requirement for more modern techniques in relation to an improved underfloor containment should any leaks occur. In relation to a similar problem recurring with new development, I believe that matter has been addressed. In relation to the current situation with the EPA, I will seek that information from my colleague in another place.

SOUTH AUSTRALIAN BUSHFIRE PREVENTION ADVISORY COMMITTEE

The Hon. R.L. BROKENSHERE (15:24): I seek leave to make a brief explanation before asking the Minister for the Status of Women a question about members of the state bushfire prevention committee.

Leave granted.

The Hon. R.L. BROKENSHERE: I understand that the state bushfire committee—a committee that the government has said to be a very important, high profile committee and one that must get on with the job—is yet to be properly constituted and set up. Advice given to me is that the minister has indicated that she has concerns about the gender balance with respect to this committee.

Whilst we acknowledge and support that there should be gender balance wherever possible, the fact is that this gets back to who is most relevant to be able to make these decisions. I am advised that, if this committee is not set up officially and gets to work immediately, we will have major problems in the coming bushfire season, particularly with respect to the regional bushfire committees, which are a subset of the state bushfire committee. Has the minister prevented this committee from being set up to this point through argument in cabinet or other places about gender balance? If that is the case, when does the minister see the committee's composition being finalised so that we can get on with protecting the state from the point of view of bushfire?

The Hon. G.E. GAGO (Minister for State/Local Government Relations, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister for the City of Adelaide) (15:26): The answer to the honourable member's question whether I have prevented it is that I certainly have not. That is very easily answered. No. However, it was drawn to my attention that they were having trouble with their gender balance in terms of filling the board. I merely asked whether the Premier's Women's Directory had been consulted to assist in the compilation of that board, and I was informed that, no, it had not.

We have this directory, which has more than 700 board-ready women. It is there to assist organisations in their selection of women and to assist in the gender complement of all boards and committees. In fact, my office provided assistance in accessing that directory, and I think that, within 24 hours, or very close to, we provided a list of a number of potentially suitable women. We sent that list back to both the minister and to Mr Euan Ferguson to assist them in their selection.

As I said, I responded extremely quickly to that. I had my office assist, and I believe that it would be within about 24 hours that they received that advice. So, 24 hours, and to be suggesting that these considerations were somehow holding up the selection of this committee is absolutely outrageous. I use this opportunity, in terms of the compilation of government boards and committees, to remind those NGOs and other organisations that are putting forward nominations to

government boards that they are required for each nomination to put at least one male and one female forward as a nominee for that position. The Acts Interpretation Act requires that.

I believe that a number of organisations that submitted nominations to this committee failed in their obligation relating to that act. They failed to submit for each of their nominations to which they were entitled at least one male and one female nomination. They have statutory responsibilities just like everyone else. As I said, I take this opportunity to remind organisations that they are required to do that.

I have a note in front of me that it wasn't 24 hours; it was slightly more than that. For the sake of *Hansard*, I point out that it would not have been more than that but I am happy to find out the exact number of hours and to return with that. It was a very rapid response. To be suggesting that somehow these considerations were holding up the shaping of this committee is outrageous.

Gender representation is very important, not just on boards and committees, but right throughout society. Not just gender but ethnic background, people with disabilities—it is most important that we have broad representation within our community. It makes our organisation stronger, it makes our policy and decision-making stronger and more inclusive, and I believe it makes our world a better place to live in.

It is a very important principle that we uphold. I commend those organisations that put female nominations forward. There were plenty of alternatives we found with significant backgrounds in relevant areas, so to suggest that there are no women out there who could be put forward based on merit, again is offensive and outrageous. There are plenty of talented and competent women out there. It is simply a matter of making the effort to encourage them to nominate.

SAFE WORK AWARDS

The Hon. CARMEL ZOLLO (15:31): My question is for the Minister for Industrial Relations. Will the minister provide the chamber with details of the fifth annual Safe Work Australia Awards that were presented at Parliament House in Canberra just recently?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Industrial Relations, Minister Assisting the Premier in Public Sector Management) (15:32): This year's annual Safe Work Awards acknowledged 36 finalists from across Australia in their efforts to reduce the number of deaths, injury and disease in Australian workplaces. More than 135,000 Australians are seriously injured at work each year and more than 260 die as result of work-related injuries. South Australian finalists earned their places in the national awards by virtue of their success at last year's state Safe Work Awards. These awards recognise important work that organisations and individuals are doing to make work health and safety a top priority in order to ensure everyone returns home safely.

I am pleased to advise that South Australia scooped the pool at the National Safe Work Awards, winning three of the six awards. GHD Australia won the category of Best Workplace Health and Safety Management System—Private Sector for its unique occupational health and safety management environment, which is integrated with the company's overall management systems.

Nicola Featherstone was honoured for the Best Individual Contribution to Workplace Health and Safety—without OHS experience. Nicola is a research officer in the School of Agriculture, Food and Wine at the University of Adelaide's Waite campus. When an audit highlighted the difficulties faced by the large number of staff and students from overseas and the frequent turnover of all laboratory users, Nicola produced with her own initiative and in her own time a resource folder to induct new staff and record training. Her initiative now involves 100 folders—one for every work group.

Glyn Williams won the award for Best Individual Contribution to Workplace Health and Safety—with OHS experience. As risk safety manager at Southern Cross Care, Glyn introduced a comprehensive OHS and injury management system, ensured that managers and supervisors have safety key performance indicators written into their job descriptions, and has enabled numerous practical improvements, including safe roof access for maintenance staff.

Fosters Coonawarra vineyard also received recognition at the national awards by being highly commended in the category Best Solution to an Identified Workplace Health and Safety Issue.

South Australia has a proud history of achievement at the national level, also collecting two awards last year. These winners highlight what can be accomplished with both an individual and organisation-wide commitment to looking after your workmates.

The search has begun again this year for workplace safety champions. Yesterday, I was delighted to officially launch the nomination process for this year's Safe Work Awards. To help aspiring entrants, the nomination process will be simpler and faster this year. An online application is being made available for the first time, which should speed up the nomination process. Information on the awards and the online nomination form can be found at www.safework.sa.gov.au/sw2010/awards2010.html.

Safe Work Awards last year attracted a record 64 nominations compared with 43 nominations in 2008. This performance again underscores the reputation the awards have gained as a benchmark of best practice in workplace safety in this state. This year's awards categories are: Best Workplace Health and Safety Management System; Best Solution to an Identified Workplace Health and Safety Issue; Best Workplace Health and Safety Practice in Small Business; Best Individual Contribution to Workplace Health and Safety; Health and Safety Representative of the Year; Employer of the Year; and Best Public Event Safety.

Nominations are also open for the two Augusta Zadow Scholarships, worth up to \$10,000 each, for projects in workplace safety that benefit women. A record 14 applications were received for these scholarships in 2009. Nominations for this year's award close at 5pm on Friday 30 July. Winners will be presented with their awards at a gala dinner on Friday 29 October at the Adelaide Event and Exhibition Centre, Goyder Pavilion, Wayville.

I encourage South Australians to nominate people they believe are worthy of recognition so that we can again acknowledge those who are working to make sure that our workplaces are a safe place.

CITIZEN'S RIGHT OF REPLY

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Industrial Relations, Minister Assisting the Premier in Public Sector Management) (15:36): I move:

That, during the present session, the council make available to any person who believes that he or she has been adversely referred to during proceedings of the Legislative Council the following procedure for seeking to have a response incorporated in to *Hansard*—

1. Any person who has been referred to in the Legislative Council by name, or in another way so as to be readily identified, may make a submission in writing to the President—
 - (a) claiming that he or she has been adversely affected in reputation or in respect of dealings or associations with others, or injured in profession, occupation or trade or in the holding of an office, or in respect of any financial credit or other status or that his or her privacy has been unreasonably invaded; and
 - (b) requesting that his or her response be incorporated into *Hansard*.
2. The President shall consider the submission as soon as practicable.
3. The President shall reject any submission that is not made within a reasonable time.
4. If the President has not rejected the submission under clause III, the President shall give notice of the submission to the member who referred in the council to the person who has made the submission.
5. In considering the submission, the President—
 - (a) may confer with the person who made the submission;
 - (b) may confer with any member;
 - (c) must confer with the member who referred in the council to the person who has made the submission and provide to that member a copy of any proposed response at least one clear sitting day prior to the publication of the response;

but

 - (d) may not take any evidence;
 - (e) may not judge the truth of any statement made in the council or the submission.
6. If the President is of the opinion that—
 - (a) the submission is trivial, frivolous, vexatious or offensive in character; or

- (b) the submission is not made in good faith; or
 - (c) the submission has not been made within a reasonable time; or
 - (d) the submission misrepresents the statements made by the member; or
 - (e) there is some other good reason not to grant the request to incorporate a response into *Hansard*, the President shall refuse the request and inform the person who made it of the President's decision.
7. The President shall not be obliged to inform the council or any person of the reasons for any decision made pursuant to this resolution. The President's decision shall be final and no debate, reflection or vote shall be permitted in relation to the President's decision.
8. Unless the President refuses the request on one or more of the grounds set out in paragraph 5 of this resolution, the President shall report to the council that in the President's opinion the response in terms agreed between him and the person making the request should be incorporated into *Hansard* and the response shall thereupon be incorporated into *Hansard*.
9. A response—
- (a) must be succinct and strictly relevant to the question in issue;
 - (b) must not contain anything offensive in character;
 - (c) must not contain any matter the publication of which would have the effect of—
 - (i) unreasonably adversely affecting or injuring a person, or unreasonably invading a person's privacy in the manner referred to in paragraph 1 of this resolution, or
 - (ii) unreasonably aggravating any adverse effect, injury or invasion of privacy suffered by any person, or
 - (iii) unreasonably aggravating any situation or circumstance,and
 - (d) must not contain any matter the publication of which might prejudice—
 - (i) the investigation of any alleged criminal offence,
 - (ii) the fair trial of any current or pending criminal proceedings, or
 - (iii) any civil proceedings in any court or tribunal.
10. In this resolution—
- (a) 'person' includes a corporation of any type and an unincorporated association;
 - (b) 'Member' includes a former member of the Legislative Council.

This motion relates to the right of reply for any person who believes that he or she has been adversely referred to during proceedings of the Legislative Council. This is identical to motions that have been moved at the start of every session now for a number of years.

The original form of this right of reply motion began back in the period when Trevor Griffin was attorney-general. With some modification following a couple of cases in which it has been used, it has now been in the same format for the last four or five years.

I believe it is a worthwhile part of the procedures of this parliament. It would be my intention now, given that it has proved the test of time, to ultimately adopt this permanently into standing orders. It will need to be considered more fully through the Standing Orders Committee, but for now I move this as a sessional order and seek the support of the council to ensure that this right of reply continues for this session.

The Hon. D.W. RIDGWAY (Leader of the Opposition) (15:38): I indicate that the opposition will be happy to support this motion. The right of reply is an important tool available to members of the public if they think they have been adversely affected by comments made in this place.

For the benefit of new members, I think that I am the only current member of the Legislative Council who has had the right of reply used against them on several occasions. I think it is appropriate that members of the public have that opportunity, and I support its inclusion in standing orders.

The Hon. R.L. BROKENSHIRE (15:38): Family First also agrees that the general public should have this opportunity, and we have the greatest confidence in your being the deliberator, Mr President, and making the appropriate decision.

Motion carried.

MINING (MISCELLANEOUS) AMENDMENT BILL

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Industrial Relations, Minister Assisting the Premier in Public Sector Management) (15:40): Obtained leave and introduced a bill for an act to amend the Mining Act 1971 and to make a related amendment to the Petroleum and Geothermal Energy Act 2000. Read a first time.

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Industrial Relations, Minister Assisting the Premier in Public Sector Management) (15:40): I move:

That this bill be now read a second time.

Given that I introduced a bill almost identical to this at the end of last session, and that there is only one minor amendment to it, I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

South Australia possesses a wealth of mineral resources. These are owned by the people of South Australia and need to be managed in the community's best interests.

The Government of South Australia is committed to the principles of effective and efficient regulation of our mineral resources sector.

The Government is also seeking to develop our mineral resources within the framework of *South Australia's Strategic Plan—Key Objective 1: Growing Prosperity* which sets targets for mineral resources exploration, production and processing.

Our Strategic Plan recognises the importance of our resources sector in growing the State's future economic prosperity through increased business investment, regional development and opportunities for employment and skilling, balanced against key environmental and social objectives.

The broad-scale benefits achieved through the development of our mineral resources will also substantially contribute to the other Strategic Plan Key Objectives: *Improving Wellbeing, Attaining Sustainability, Fostering Creativity and Innovation, Building Communities and Expanding Opportunities*.

Best practice management of South Australia's mineral assets, including streamlined regulation of exploration and mining activities, attracts investment that delivers outcomes of sustainable benefit and prosperity.

The Government recognises that the exploration and mining sectors require predictable procedures for access to land, security of exploration and/or mining tenure and predictable regulatory processes, in order to commit to higher risks for investment in mineral resource exploration, new mine development and life-of-mine operations.

The Government also recognises that landholders and communities require clear and timely advice on their rights under the *Mining Act 1971* and on the responsibilities of exploration and mining companies who are seeking access to their land.

This Bill proposes enhancements to the *Mining Act 1971* to streamline tenement applications, assessments and approvals. The Bill incorporates provisions for improving administration of regulatory compliance, enforcement and penalties under the Act, leading to effective and efficient utilisation of the State's minerals resources.

Key Objectives for the Bill

The Bill has been developed in accordance with three key objectives:

Reducing Red Tape—Repeal or amend legislative requirements that impede industry in the conduct of normal business operations.

Greater Transparency—Require industry to provide more information on proposed and current mining operations and improve notification protocols for access to land for landholders and the community. Greater transparency in government processes.

Effective Regulation—Ensure the Regulator is authorised to effectively regulate mining operations and is adequately resourced to provide a quality and timely service to industry and the community.

Consultation

Extensive consultation has been undertaken with industry, community, relevant government agencies, local government and mineral tenement holders in the development of this Bill.

During the consultation process PIRSA initiated workshops and presentations with industry, business and farming representative organisations to explain and respond to questions related to the draft Bill. The Government has sought to address all issues and comments raised during consultation in the final Bill

Impacts

The Bill together with Government policies and publically available guidelines aims to ensure that landowners and the community are well informed through more effective and transparent government processes.

The Bill will not have a significant regulatory impact on industry and formalises in the Act and the Regulations existing policies and good practice. New provisions will authorise PIRSA officers to identify and address any illegal mining activities. Illegal mining is absolutely not acceptable in our State. It can damage the environment and decrease royalty collection and creates unfair competition with approved mining operations and legitimate businesses in the minerals sector.

The Bill provides for the penalty for illegal mining to be significantly increased from a maximum of \$5,000 up to a maximum of \$250,000. The scale of this penalty was fully supported in submissions on the draft Bill by community and industry respondents.

The penalties throughout the Act have not been reviewed for 30 years and over that time the level of individual penalties has been eroded due to inflation. The introduction of the new structure for penalties and the increase in the dollar value will not affect any parties unless they breach the Act.

By increasing the Regulator's control through implementing environmental and rehabilitation directions, along with an increase in the penalties, the Government considers that the provisions of the Bill will deliver positive outcomes for the environment.

The requirement for a mining program which incorporates environmental protection and rehabilitation underpinned by a more comprehensive definition of the environment will enable the Regulator to deliver improved regulatory control of mining operations and prevent illegal mining. The formalisation of this program, which will include consultation with landowners and the community to reach agreed outcomes, should ensure appropriate management of potential impacts on the environment.

The provisions in the Bill will deliver a more transparent process and enhanced regulation of mining which will result in fewer nuisances and risks to public safety. The Bill introduces three new fees: an annual administration fee (which will be \$100.00 per tenement), an annual regulation fee (which will be \$200.00 per tenement) and an assessment fee (which will be \$500.00 per application for a Mining Lease, Retention Lease or Miscellaneous Purposes Licence). The administration fee replaces approximately 20 administrative fees which were revoked as a result of the *Mining Variation Regulations 2008* coming into operation on 1 July 2008. The annual administration fee will offset some of the costs associated with the collection of annual rental, refunding of rental to freehold landowners, renewal notifications and processing, maintaining the Mining Register and data maintenance including spatial data. The annual regulation fee will be used to offset some of the costs associated with regular inspections of tenements. This fee will not be applied to Extractive Minerals Leases, Retention Leases or Exploration Licences. The assessment fee will offset some of the costs associated with extensive stakeholder consultation, liaison with proponents, environmental assessments and the establishment of appropriate tenement conditions. The changes in this fee structure and administrative changes will reduce the risk to business resulting from administrative errors in the lodgement of valid applications and documentation.

The Bill provides for the Minister to be able to request an expert report from a tenement holder, verifying the information contained within a return under Part 3 of the Act. This provision was introduced to provide additional assurance to the State regarding the accuracy of the mining returns and royalty payments submitted by tenement holders. To support this provision the penalty for submitting a return which is false or misleading has also been increased from a maximum of \$1,250 to a maximum of \$120,000.

The Government is committed to ensuring through this Bill that the regulation of mineral exploration and mining in South Australia will conform to best practice regulatory principles in other leading resource development jurisdictions.

The Bill, together with Regulations, Policies and Guidelines, aims to achieve effectiveness and efficiency through a streamlined, fit for purpose, regulatory approach, appropriate for the circumstances while achieving a reduction in red tape.

The provisions of the Bill will lead to better quality information and a higher level of accountability for explorers and mining developers, ensuring responsibility and accountability are clearly assigned and understood by resource companies, other land users and the community. To support this provision the requirement to serve notices for entry onto land and for the use of declared equipment has been extended to include tenement holders under the *Petroleum and Geothermal Energy Act 2000*.

The Bill provides significant enhancements to compliance, enforcement and penalty provisions which will ensure that explorers and mining operators achieve approved environmental outcomes.

The Government is committed, to effective engagement with all stakeholders, land users and the community on mineral exploration and resource development. The Government values the informed involvement of all stakeholders and strongly supports companies to achieve a social licence to explore and/or a social licence to operate.

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

This clause is formal.

2—Commencement

The measure will be brought into operation by proclamation.

3—Amendment provisions

This clause is formal.

Part 2—Amendment of *Mining Act 1971*

4—Amendment of section 6—Interpretation

These amendments relate to the definitions under the Act.

In relation to the definition of *appropriate court*, the jurisdictional limit for money claims in the Warden's Court is to be increased from \$150,000 to \$250,000.

In relation to the definition of *declared equipment*, drilling equipment within a class prescribed by the regulations will come within the ambit of this definition.

In relation to the definition of *mining or mining operations*, express provision will be made to include on-site operations undertaken to make minerals recovered from the site a commercially viable product, other operations involving such minerals, or other operations involving minerals brought on to the site for processing, operations for the rehabilitation of land, or other related operations. It is also to be made clear that the surface removal of loose rock material disturbed by agricultural operations will not constitute *mining* under the Act.

For the purposes of the Act (other than Parts 9B or 11B), *environment* is to be defined to include—

- (a) land, air, water (including both surface and underground water and sea water), organisms, ecosystems, native fauna and other features or elements of the natural environment; and
- (b) buildings, structures and other forms of infrastructure, and cultural artefacts; and
- (c) existing or permissible land use; and
- (d) public health, safety or amenity; and
- (e) the geological heritage values of an area; and
- (f) the aesthetic or cultural values of an area.

5—Amendment of section 8A—Opal development areas

It is intended to no longer provide for *miner's rights* under the Act.

6—Amendment of section 9—Exempt land

It is intended to no longer provide for *miner's rights* under the Act.

7—Insertion of section 9A

This provision will allow the Minister, by notice in the Gazette, to declare any land to be exempt from mining, a specified class of mining, a specified provision of the Act, or the whole of the Act other than specified provisions identified by the regulations (for example, with respect to illegal mining).

One effect of a declaration will be that a person will not have the right to apply for a mining tenement in respect of land subject to the operation of the declaration unless authorised to do so by the Minister (unless the tenement is a subsequent tenement arising from a mining tenement in force at the time that the declaration takes effect).

8—Insertion of sections 14 to 14F

It is proposed to allow the Minister to appoint Public Service employees as authorised officers under the Act. An authorised officer will be able to take action—

- (a) to monitor compliance with the Act; or
- (b) to gather information about a suspected offence against the Act; or
- (c) to gather information about personal injury or loss of property related to mining operations; or
- (d) to gather information about the actual or potential environmental impact of actual or potential mining operations; or
- (e) to gather other information relevant to the administration or enforcement of the Act.

The powers of an authorised officer will include to be able to enter land and carry out inspections, to require persons to answer questions or to provide information (although a person will be able to refuse to answer a question or provide information if to do so might tend to incriminate the person of an offence), and to require persons to produce records for inspection.

The Minister will be able to publish the results of any authorised investigation under these provisions.

9—Amendment of section 15—Power to conduct geological investigations etc

Various penalties under the Act are to be revised.

10—Amendment of section 15A—Register of mining tenements etc

It is intended to no longer provide for *miner's rights* under the Act.

11—Substitution of sections 20 to 22

As mentioned above, the Act will no longer provide for *minor's rights*. Rather, a person will be able to *prospect* for minerals under new section 20(1), subject to complying with the other requirements of the Act.

New section 21 will allow a mineral claim to be established in a manner approved by a mineral claim, in addition to the current practice of pegging a claim.

12—Amendment of section 23—Area of claim

The Minister will be empowered to approve a mineral claim that exceeds the maximum permissible area prescribed by the regulations.

13—Substitution of section 24

It is necessary to revise the provisions relating to the registration of a claim, especially as pegging will no longer be the only method by which a claim is established.

It will also be made clear that a mining registrar must not register a mineral claim if to do so would be inconsistent with an order of the Warden's Court (and a registration will be cancelled if the registration becomes inconsistent with such an order).

14—Amendment of section 25—Rights conferred by ownership of mineral claim

Certain contraventions of the Act will now be dealt with under an administrative penalty regime.

15—Amendment of section 27—Land not to be subject to successive mineral claims

Section 27 of the Act currently provides that if a mineral claim is surrendered, lapses or is forfeited, the person who held that claim cannot establish a new claim over any part of the same area at any time over the succeeding period of 2 years without the approval of the Warden's Court. The amendment will allow the Minister to also give an approval to the previous holder of the claim.

16—Amendment of section 28—Grant of exploration licence

Section 28(7) is no longer thought to be necessary.

17—Amendment of section 29—Application for exploration licence

New section 29(1a) will provide that if or when an area ceases to be subject to an exploration licence, an application for a corresponding licence may not be made during a succeeding period specified by the Minister by notice published in a manner and form determined by the Minister.

It is also intended to clarify and facilitate the arrangements that apply in relation to applications for an exploration licence.

Another amendment will expressly provide that the Minister may at any time, and without consultation with the applicant or taking any other step, refuse an application at any stage if the Minister considers that there are sufficient grounds for not assessing the application further after taking into account the public interest and such other matters as the Minister thinks fit.

18—Amendment of section 30—Incidents of licence etc

It is to be made clear that the Minister may, in granting an exploration licence, limit or define the extent or scope of operations authorised under the licence.

Another amendment will enable the Minister to add, vary or revoke a term or condition of an exploration licence at any time during the term of the licence considered appropriate by the Minister. A right of appeal will lie to the ERD Court if action is taken without the agreement of the holder of the licence.

It will also now be an offence to contravene, or to fail to comply with, a condition of a licence.

19—Amendment of section 30A—Term and renewal of licence

This is a consequential amendment.

20—Amendment of section 30AB—Subsequent exploration licence

An application for a subsequent exploration licence that has been in operation for a term, or aggregate term, of 5 years must be made at least 3 months before the expiration of the term of the licence.

21—Amendment of section 32—Licensee to keep and, on request, furnish Director with geological records etc

Certain contraventions of the Act will now be dealt with under an administrative penalty regime.

22—Amendment of section 33—Cancellation, suspension etc of licence

A right of appeal to the ERD Court exists if the Minister suspends or cancels an exploration licence under section 33. An amendment will allow the Minister or the ERD Court to be able to stay the operation of the cancellation or suspension pending the outcome of an appeal. Another amendment will allow the Minister to reinstate an exploration licence to a date that coincides with the initial date of the cancellation or suspension, or such late date as may appear to the Minister to be appropriate in the circumstances.

23—Amendment of section 34—Grant of mining lease

It is to be made clear that the Minister may, in granting a mining lease, limit or define the extent or scope of operations authorised under the lease.

Another amendment will authorise the Minister to add, vary or revoke a term of condition of a lease at any time if, in the Minister's opinion, such action is necessary to prevent, reduce, minimise or eliminate undue damage to the environment associated with mining operations conducted pursuant to the lease.

If the Minister acts under this provision during the term of the lease and without the agreement of the holder of the lease, a right of appeal will lie to the ERD Court.

It will now also be an offence to contravene or fail to comply with a condition of a lease.

24—Amendment of section 35—Application for lease

An application for a mining lease will be required to include a mining proposal—

- (a) specifying the mining operations that the applicant proposes to carry out in pursuance of the lease (including details of the mining methods proposed and a description of the existing environment); and
- (b) setting out—
 - (i) an assessment of the environmental impacts of the proposed mining operations; and
 - (ii) an outline of the measures that the applicant proposes to take to manage, limit or remedy those environmental impacts; and
 - (iii) a statement of the environmental outcomes that are accordingly expected to occur; and
- (c) a draft statement of the criteria to be adopted to measure the expected environmental outcomes; and
- (d) the results of any consultation undertaken in connection with the proposed mining operations.

25—Amendment of section 38—Term and renewal of mining lease

New section 38(4) will clarify the Minister's powers to extend the date by which an application for the renewal of a mining lease may be made.

26—Amendment of section 39—Rights conferred by lease

These amendments will clarify the ability of the Minister to issue a mining lease that authorises the recovery, use and sale or disposal of extractive minerals produced during operations under the lease, or a mining lease in respect of extractive minerals that authorises the recovery, use and sale or disposal of other minerals.

27—Amendment of section 41—Suspension or cancellation of lease

A right of appeal to the ERD Court exists if the Minister suspends or cancels a mining lease under section 41. An amendment will allow the Minister or the ERD Court to be able to stay the operation of the cancellation or suspension pending the outcome of an appeal. Another amendment will allow the Minister to reinstate a mining lease to a date that coincides with the initial date of the cancellation or suspension, or such late date as may appear to the Minister to be appropriate in the circumstances.

28—Amendment of section 41A—Grant of retention lease

An amendment will authorise the Minister to add, vary or revoke a term of condition of a lease at any time if, in the Minister's opinion, such action is necessary to prevent, reduce, minimise or eliminate undue damage to the environment associated with mining operations conducted pursuant to the lease.

If the Minister acts under this provision during the term of the lease and without the agreement of the holder of the lease, a right of appeal will lie to the ERD Court.

It will now also be an offence to contravene or fail to comply with a condition of a lease.

29—Amendment of section 41B—Application for retention lease

This is a consequential amendment.

30—Insertion of section 41BA

The Minister will be required to undertake a public consultation process before granting a retention lease. The new provision is similar to current section 35A of the Act relating to mining leases.

31—Amendment of section 41D—Term and renewal of retention lease

New section 41D(4) will clarify the Minister's powers to extend the date by which an application for the renewal of a retention lease may be made.

32—Amendment of section 52—Grant of miscellaneous purposes licence

It is to be made clear that the Minister may, in granting a miscellaneous purposes licence, limit or define the extent or scope of operations authorised under the licence.

Another amendment will authorise the Minister to add, vary or revoke a term of condition of a licence at any time if, in the Minister's opinion, such action is necessary to prevent, reduce, minimise or eliminate undue damage to the environment associated with mining operations conducted pursuant to the licence.

If the Minister acts under this provision during the term of the licence and without the agreement of the holder of the licence, a right of appeal will lie to the ERD Court.

It will now also be an offence to contravene or fail to comply with a condition of a licence.

33—Amendment of section 53—Application for miscellaneous purposes licence

An application for a miscellaneous purposes licence will be required to include a management plan—

- (a) specifying the nature and extent of the operations or activity that the applicant proposes to carry out in pursuance of the licence; and
- (b) setting out—
 - (i) an assessment of the environmental impacts of the proposed operations or activity; and
 - (ii) an outline of the measures that the applicant proposes to take to manage, limit or remedy those environmental impacts; and
 - (iii) a statement of the environmental outcomes that accordingly are expected to occur; and
- (c) a draft statement of the criteria to be adopted to measure the expected environmental outcomes; and
- (d) the results of any consultation undertaken in connection with the proposed operations or activity.

34—Amendment of section 55—Term and renewal of miscellaneous purposes licence

Section 55(4) will clarify the Minister's powers to extend the date by which an application for the renewal of a miscellaneous purposes licence may be made.

35—Amendment of section 56—Suspension and cancellation of miscellaneous purposes licence

A right of appeal to the ERD Court exists if the Minister suspends or cancels a miscellaneous purposes licence under section 56. An amendment will allow the Minister or the ERD Court to be able to stay the operation of the cancellation or suspension pending the outcome of an appeal. Another amendment will allow the Minister to reinstate a miscellaneous purposes licence to a date that coincides with the initial date of the cancellation or suspension, or such late date as may appear to the Minister to be appropriate in the circumstances.

36—Amendment of section 57—Entry on land

This is a consequential amendment.

37—Amendment of section 58A—Notice of entry

Various penalties under the Act are being revised.

A notice of entry under section 58A of the Act will need to be in a form determined or approved by the Minister.

It will also be a requirement to give notice to the holder of a licence (if any) under the *Petroleum and Geothermal Energy Act 2000*.

38—Amendment of section 59—Use of declared equipment

An amendment will provide that the Minister may authorise the use of declared equipment under a program approved under Part 10A of the Act.

It will be a requirement to give notice of the proposed use of declared equipment to the holder of a licence (if any) under the *Petroleum and Geothermal Energy Act 2000*.

39—Repeal of section 60

This is a consequential amendment.

40—Amendment of section 62—Bond and security

Various penalties under the Act are being revised.

41—Amendment of section 63C—Registration of access claim

42—Amendment of section 67—Jurisdiction relating to tenements and monetary claims

43—Repeal of section 68

44—Amendment of section 69—Forfeiture of claim

45—Amendment of section 70—Forfeiture and transfer of lease

These are consequential amendments.

46—Insertion of Parts 10A and 10B

These amendments relate to a number of matters.

The first set of amendments will require all mining operations under a mining tenement to be conducted in accordance with a program under new Part 10A.

The second set of amendments will provide for 'environmental directions' and 'rehabilitation directions' to be issues in specified circumstances.

47—Amendment of section 73A—Lodging of caveats

An amendment to section 73A(1) of the Act will provide that a caveat may be lodged by a person claiming a *legal or proprietary* interest in a mining tenement.

An applicant for a caveat will now be required to specifically state the nature of the interest claimed and the grounds on which the claim is founded.

48—Amendment of section 73E—Royalty

49—Amendment of section 73I—Compliance orders

50—Amendment of section 73K—Rectification authorisations

51—Amendment of section 73M—Declaration of Warden's Court concerning variation or revocation of declaration of an area as a private mine

52—Amendment of section 73O—Powers of authorised officers

53—Amendment of section 74—Penalty for illegal mining

These are consequential amendments.

54—Insertion of section 74AA

The Minister is to be given power to issue a direction for the purpose of—

- (a) securing compliance with a requirement under the Act, a mining tenement (including a condition of a mining tenement) or any authorisation under or in relation to a mining tenement; or
- (b) preventing or bringing to an end specified operations that are contrary to the Act or a mining tenement (including a condition of a mining tenement); or
- (c) without limiting any other provision, requiring the rehabilitation of land on account of any mining operations conducted without an authority required under the Act.

55—Amendment of section 74A—Compliance orders

56—Amendment of section 75—Provision relating to certain minerals

These are consequential amendments.

57—Amendment of section 76—Returns

The holder of a mining tenement at the time that the tenement expires, or is cancelled or surrendered, will be required to furnish a return to the Director of Mines within 3 months after the expiry, cancellation or surrender (or within such longer period as the Director may allow).

58—Amendment of section 77—Records and samples

Certain contraventions of the Act will now be dealt with under an administrative penalty regime.

59—Amendment of section 77A—Period of retention of records

Various penalties under the Act are being revised.

60—Insertion of sections 77B, 77C and 77D

This clause contains provisions that will facilitate the provision of additional information, samples, materials or reports.

61—Amendment of section 78—Persons under 16 years of age

62—Amendment of section 82—Surrender of lease or licence

These are consequential amendments.

63—Amendment of section 83—Dealing with licences

These amendments relate to dealings with licences.

One amendment will provide that a mortgage is within the ambit of section 83(1).

If a lease or licence is subject to a mortgage or charge, the Minister must not consent to the transfer or assignment of the lease or licence under the Act without taking reasonable steps to give notice of the proposed consent to the holder of the mortgage or charge.

64—Amendment of section 86—Removal of machinery etc

65—Repeal of section 87A

66—Amendment of section 88—Obstruction etc of officers exercising powers under Act

67—Amendment of section 89—Obstruction etc of person authorised to mine

These are consequential amendments.

68—Insertion of section 89AA

This amendment will have the effect of providing that offences constituted under the Act will lie within the criminal jurisdiction of the ERD Court.

69—Amendment of section 90—Evidentiary provision

Additional provision is to be made to facilitate the provision of proof about the status of a person as the holder of a mining tenement or about the conditions of a mining tenement.

70—Insertion of sections 91 and 91A

New section 91 sets out a scheme for administrative penalties. The amount of an administrative penalty will be fixed by regulation and will not be able to exceed \$10,000.

New section 91A will allow the Mining Registrar, in prescribed circumstances, to vary the boundaries or delineation of a mining tenement, to authorise the moving or replacing of any pegs, or to take other action to rectify the area, location or boundaries of a mining tenement. However, such action will only be possible under an agreement between the holder of the relevant tenement and the Minister, or under a determination of the Warden's Court.

71—Amendment of section 92—Regulations

Some of these amendments are consequential. Another amendment will allow the fixing of assessment and annual administration fees. Another amendment will specifically provide for the adoption of a code or standard under the regulations.

Schedule 1—Related amendment and transitional provision

Part 1—Amendment of *Petroleum and Geothermal Energy Act 2000*

1—Amendment of section 63—Right to compensation

A right to compensation under section 63 is not to extend to any loss associated with a reduction in the value of any minerals that may be recovered under the *Mining Act 1971*.

Part 2—Transitional provision

2—Transitional provision

This schedule sets out transitional provisions associated with the enactment of this measure relating to the recovery of extractive and other minerals.

Schedule 2—Statute law revision amendment of *Mining Act 1971*

This schedule contains various statute law revision amendments.

Debate adjourned on motion of Hon. D.W. Ridgway.

CREDIT (TRANSITIONAL ARRANGEMENTS) BILL

The Hon. G.E. GAGO (Minister for State/Local Government Relations, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister for the City of Adelaide) (15:41): Obtained leave and introduced a bill for an act to enact ancillary provisions, including transitional provisions, relating to the enactment by the Parliament of the Commonwealth of legislation relating to the provision of credit and certain other financial transactions under its legislative powers, including powers with respect to matters referred to that parliament for the purposes of section 51(xxxvii) of the Constitution of the Commonwealth; to amend the Bills of Sale Act 1886, the Criminal Law (Clamping, Impounding and Forfeiture of Vehicles) Act 2007, the Second-hand Vehicle Dealers Act 1995, the Security and Investigation Agents Act 1995, and the Stamp Duties Act 1923; and to repeal the Consumer Credit (South Australia) Act 1995 and the Credit Administration Act 1995. Read a first time.

The Hon. G.E. GAGO (Minister for State/Local Government Relations, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister for the City of Adelaide) (15:42): I move:

That this bill be now read a second time.

This bill supports a Credit (Commonwealth Powers) Bill 2010, which has the object of adopting the National Consumer Credit Protection Act 2009 of the commonwealth. The bill forms part of the new national credit protection regime being established under commonwealth law and provides the commonwealth with the necessary constitutional powers it requires for the implementation and operation of the national credit regime. Given the move from the state-based uniform consumer credit code, the UCCC, to the national consumer credit code under the National Consumer Credit Protection Act 2009, a number of minor and technical transitional issues invariably arise. This bill—the Credit (Transitional Arrangements) Bill 2010—seeks to address these transitional issues.

The bill, which operates in conjunction with the Credit (Commonwealth Powers) Bill 2010, ensures that references made to the existing UCCC are amended to refer to the new national credit code. To provide further flexibility for any concerns that are raised in the move to the new national regime, the bill provides for the making of additional regulations of a saving or transitional nature. While not expected to be necessary, this provision provides further confidence to both industry and consumers that appropriate mechanisms can be put in place to respond to unforeseen issues.

Most importantly, the bill repeals the existing Consumer Credit (South Australia) Act 1995 and the Credit Administration Act 1995. These acts give effect to the UCCC in South Australia and are no longer required under the national credit regime. In repealing these acts, and in passing this bill and the Credit (Commonwealth Powers) Bill 2010, we allow South Australia to embrace broad-reaching improvements to consumer protection and credit law, and support the national seamless economy vision of the Council of Australian Governments. I commend the bill to members, and seek leave to insert the explanation of clauses into *Hansard* without reading them.

Leave granted.

Explanation of Clauses

1—Short title

This clause is formal.

2—Commencement

The measure will be brought into operation by proclamation.

3—Interpretation

This clause sets out the definitions required for the purposes of the measure.

4—Pre-Code contracts

It is necessary to continue the regulation of certain contracts under the *Consumer Credit Act 1972* or the *Consumer Transactions Act 1972*. This preserves the situation that currently applies by virtue of regulations under section 10 of the *Consumer Credit (South Australia) Act 1995*.

5—Consumer Credit Fund

It is necessary to provide for the continuation of the Consumer Credit Fund for a transitional period. The Commissioner will be able to wind up the fund at an appropriate time and apply any remaining money for a purpose authorised by the Minister.

6—Provision of information and assistance to ASIC

The Commissioner will be able to provide relevant information to ASIC in connection with the operation of the National Credit legislation.

7—ASIC has certain functions and powers

The Minister will be able to enter into an arrangement with ASIC for the performance of functions or the exercise of powers as an agent of the State, even if those functions or powers are conferred on another body under a law of the State.

8—References

This clause provides for the effect of references to the current State legislation, the *Consumer Credit (South Australia) Code* or the *Consumer Credit (South Australia) Regulations*.

9—Regulations

The Governor will be able to make other provisions of a saving or transitional nature consequent on the enactment of this measure or the transition from the State scheme to the national scheme.

Schedule 1—Related amendments and repeals

This schedule sets out related amendments to other Acts. The *Consumer Credit (South Australia) Act 1995* and the *Credit Administration Act 1995* are to be repealed.

Debate adjourned on motion of Hon. D.W. Ridgway.

CREDIT (COMMONWEALTH POWERS) BILL

The Hon. G.E. GAGO (Minister for State/Local Government Relations, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister for the City of Adelaide) (15:46): Obtained leave and introduced a bill for an act to adopt the National Consumer Credit Protection Act 2009 of the commonwealth (as amended) and to the National Consumer Credit Protection (Transitional and Consequential Provisions) Act 2009 of the commonwealth, and to refer certain matters relating to the provision of credit and certain other financial transactions to the Parliament of the Commonwealth, for the purposes of section 51(xxxvii) of the Constitution of the Commonwealth. Read a first time.

The Hon. G.E. GAGO (Minister for State/Local Government Relations, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister for the City of Adelaide) (15:47): I move:

That this bill be now read a second time.

In April 2008 the Productivity Commission released a report on Australia's consumer law framework. One of the recommendations of the report was the transfer of responsibility for the regulation of consumer credit to the commonwealth government, to be administered by a single regulator—the Australian Securities and Investments Commission (ASIC).

This recommendation was made on the basis of identified shortcomings in the state-based Uniform Consumer Credit Code (UCCC) regulatory regime. The Productivity Commission identified the existence of legislative gaps and jurisdictional variations which represented an increased cost to business. Moreover, given the involvement of multiple regulators, the commission noted the existing regime experienced some difficulty in efficiently responding to changes in financial services industry practice.

On 3 July 2008, in response to the Productivity Commission report, COAG agreed that the commonwealth would assume responsibility for the regulation of mortgage brokering, margin lending and non-deposit lending institutions, as well as the remaining areas of consumer credit.

An intergovernmental agreement supporting the implementation of the new national regime—the National Credit Law Agreement 2009—was signed at the COAG meeting of 7 December 2009. This agreement represents a significant step towards COAG's efforts to deliver a seamless national economy. Not only will this national credit regime provide clarity for business, but it will also provide increased consumer protections operating consistently across Australia.

The new national credit regime, starting on 1 July 2010, will enact a new National Consumer Credit Code based on the current UCCC as a law of the commonwealth. The UCCC provides a number of consumer protections through disclosure requirements on credit contracts, and regulating the methods for calculating and advertising interest rates, fees and charges. It also provides powers for courts to vary terms of unjust consumer contracts.

The national credit regime, reflected in the two commonwealth acts—the National Consumer Credit Protection Act 2009 and the National Consumer Credit Protection (Transitional

and Consequential Provisions) Act 2009—will go further than the UCCC by closing a number of loopholes and extending its application to residential investment properties, thereby further protecting consumers.

Developed in conjunction with state and territory representatives, including South Australia, the National Consumer Credit Protection Act 2009 will introduce a national licensing scheme for those engaged in credit activities. This national licensing scheme will require credit providers, finance brokers and others who provide credit assistance or act as intermediaries in these functions to be fit and proper persons to engage in credit activities.

The new licensing regime will require licence holders to be members of an external dispute resolution scheme approved by ASIC. This will ensure that, when consumers are involved in a dispute with a licence holder, the consumer will not have immediately to resort to legal action but will be able to access an effective and low-cost dispute resolution service.

One of the most important inclusions in the national credit law is a new responsible lending conduct regime. In essence, these requirements, to be phased in from 1 July 2010 and fully functional on 1 January 2011, will ensure that Australian credit licensees assess the suitability of a credit product in terms of the consumer's financial circumstances and objectives and will be prohibited from suggesting unsuitable credit contracts to consumers. These requirements will be further bolstered by improving the disclosure regime relating to fees and commissions associated with credit contracts.

I now turn to the specific purpose of the South Australian Credit (Commonwealth Powers) Bill 2010. The object of the bill is to adopt the National Consumer Credit Protection Act 2009 of the commonwealth, as amended at the time of adoption by the National Consumer Credit Protection Amendment Act 2010 of the commonwealth, to adopt the National Consumer Credit Protection (Transitional and Consequential Provisions) Act 2009 of the commonwealth, and to refer certain matters relating to credit and consumer leases to the parliament of the commonwealth.

The proposed act will form part of the new national credit protection regime being established under commonwealth law. It is to be enacted for the purposes of section 51(xxxvii) of the Constitution of the Commonwealth, which enables state parliaments to refer matters to the commonwealth parliament or to adopt commonwealth laws that have been enacted pursuant to such referrals. In essence, the bill provides the commonwealth with the necessary constitutional power it requires for the implementation and operation of the national credit regime.

The reference to support the enactment of the initial commonwealth legislation was provided by Tasmania by the enactment of the Credit (Commonwealth Powers) Act 2009 of that state, which commenced on 17 November 2009.

In view of the enactment of the commonwealth laws, the remaining states, including South Australia, decided to adopt the commonwealth laws under section 51(xxxvii) of the constitution. The adopted laws are the National Consumer Credit Protection Act 2009 of the commonwealth (as amended at the time of the adoption by the National Consumer Credit Protection Amendment Act 2010 of the commonwealth) and the National Consumer Credit Protection (Transitional and Consequential Provisions) Act 2009 of the commonwealth.

The Credit (Commonwealth Powers) Bill 2010 also provides for the referral of certain matters relating to credit to the commonwealth parliament in order to support future amendments to the National Consumer Credit Protection Act 2009 of the commonwealth and the National Consumer Credit Protection (Transitional and Consequential Provisions) Act 2009 of the commonwealth (an amendment reference).

Since the enactment of the initial Tasmanian legislation, the commonwealth and the states have also agreed on certain exclusions (or carve-outs) to the amendment reference. These carve-outs are reflected in this bill. They have also been recognised under the National Consumer Credit Protection Act 2009 of the commonwealth through amendments made to that act by the National Consumer Credit Protection Amendment Act 2010 of the commonwealth.

These carve-outs, which are also reflected in the National Credit Law Agreement 2009, ensure that the commonwealth cannot override state legislative authority in respect of state taxes, the recording of estates and interests in land, the priority of interests in real property, and state laws relating to state statutory rights. To further protect state legislative autonomy, and while such action would not be taken lightly, the bill also includes a provision which allows termination of the adoption or the amendment reference.

The significance of this bill and the implementation of the national credit regime should not be underestimated. In a climate of global financial instability, these measures, while striking an appropriate balance between the rights and obligations of consumers and business, further enhance the integrity of the Australian financial services sector. I commend the bill to members.

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

Leave granted.

Explanation of Clauses

1—Short title

This clause sets out the name (also called the short title) of the proposed Act.

2—Commencement

This clause provides for the commencement of the measure.

3—Definitions

This clause defines certain words and expressions used in the proposed Act. The definitions reflect the fact that there is to be an *adoption* of the Commonwealth laws together with the conferral of an *amendment reference*.

It is also necessary to distinguish for the purposes of the measure between:

- the National Credit legislation, which means—
 - (a) the *National Consumer Credit Protection Act 2009* of the Commonwealth; and
 - (b) the *National Consumer Credit Protection (Transitional and Consequential Provisions) Act 2009* of the Commonwealth, as in force from time to time; and
- the relevant version of the National Credit legislation, which means—
 - (a) the *National Consumer Credit Protection Act 2009* of the Commonwealth as originally enacted, and as later amended by the *National Consumer Credit Protection Amendment Act 2010* of the Commonwealth; and
 - (b) the *National Consumer Credit Protection (Transitional and Consequential Provisions) Act 2009* of the Commonwealth.

4—Adoption of National Credit legislation

This clause deals with the adoption, under section 51(xxxvii) of the Commonwealth Constitution, of the relevant version of the National Credit legislation.

5—Termination of adoption

This clause allows the Governor to fix a day as the day on which the adoption is to terminate.

6—Reference of matters

This clause refers to the Commonwealth Parliament the matters of amending the National Credit legislation (the *amendment reference*).

The amendment reference will enable the Commonwealth to make express amendments to its National Credit legislation about the provisions of credit to which the National Credit Code applies and about consumer leases to which Part 11 of that Code applies. The National Credit Code is set out in Schedule 1 of the *National Consumer Credit Protection Act 2009* of the Commonwealth.

7—Matters excluded from reference

This clause provides for the exclusion from the amendment reference of certain matters relating to the imposition of State taxes, the system for recording of estates or interests in land, the priority of estates or interests in real property and State statutory rights.

8—Termination of reference

This clause allows the Governor to fix a day as the day on which the amendment reference is to terminate.

9—Amendment of Commonwealth law

This clause makes it clear that the National Credit legislation may be amended on account of any reference or adoption, or by Commonwealth laws or instruments enacted or made on the basis of powers vested in the Commonwealth apart from any reference or adoption.

10—Effect of termination of amendment reference before termination of adoption of Commonwealth Acts

This clause makes it clear that the separate termination of the period of the amendment reference does not affect laws already in place. Accordingly, the amendment reference continues to have effect to support those laws unless the adoption is also terminated.

Debate adjourned on motion of Hon. S.G. Wade.

ADELAIDE PACIFIC INTERNATIONAL COLLEGE

The Hon. G.E. GAGO (Minister for State/Local Government Relations, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister for the City of Adelaide) (15:56): I table a copy of a ministerial statement relating to Adelaide Pacific International College made earlier today in another place by the Hon. Jack Snelling.

ADDRESS IN REPLY

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Industrial Relations, Minister Assisting the Premier in Public Sector Management) (15:56): I bring up the following report of the committee appointed to prepare the draft Address in Reply to His Excellency the Governor's speech:

1. We, the members of the Legislative Council, thank Your Excellency for the speech with which you have been pleased to open parliament.
2. We assure Your Excellency that we will give our best attention to all matters placed before us.
3. We earnestly join in Your Excellency's prayer for the Divine blessing on the proceedings of the session.

The Hon. I.K. HUNTER (15:57): I move:

That the Address in Reply as read be adopted.

The traditional language of the Address in Reply, as we just heard recited by the Clerk, contains a lot of prayerful beseeching. I prefer to commence by recognising the traditional owners of the land on which this parliament was built, the Kurna people, and acknowledging that we meet here today on their lands.

I congratulate the Governor on his excellent speech, which clearly outlined the government's platform for the next four years. I thank the Governor for his tireless work for all South Australians, in particular his efforts in supporting many local non-profit community groups, which do such invaluable work for our great state and its people. I also welcome and extend my congratulations to the newly elected members who have joined us in this parliament, particularly those who have taken up positions in the Legislative Council, that is, the Hon. Tammy Jenkins, the Hon. Jing Lee and the Hon. Kelly Vincent. I look forward to working constructively with each of you for the betterment of all South Australians.

May I say to you, Mr President, listening in another place, that I look forward to your continuing stewardship of the Legislative Council and to the usual calm and impartial manner in which you conduct yourself.

Today, I will highlight some aspects of the Governor's speech that I would like to reflect on further. The government first launched South Australia's Strategic Plan in March 2004, setting bold targets as a basis for increased economic, social and environmental security. The Strategic Plan clearly sets out six major bold objectives for action: growing prosperity, improving wellbeing, attaining sustainability, fostering creativity and innovation, building communities, and expanding opportunities.

In January 2007, as the government entered its second term, the Strategic Plan was reviewed and targets were increased. Now, as we begin a third term, the government will once again be updating South Australia's Strategic Plan. Whilst many different priorities will be documented in the 2010 Strategic Plan, I will focus today on an area that is of particular interest to me, that is, renewable energy. The South Australian government can certainly be proud of its response to climate change and the way in which it fosters new clean energy technologies.

I must say that I was very disappointed in the way the opposition tried to smear the government's record on renewable energy during the election campaign just passed. It was probably too much to hope that the opposition would congratulate the government on its wonderful achievements in renewable energy policy, but the baseless attacks were a bit of a low point, I must say. No wonder, then, that the community chose to put its faith in the government once more. I take this opportunity to set the record straight and put the facts on the table for all to judge.

In 2002 when the government first came to office there was not a single wind power farm in South Australia. Despite the fact we are home to some of the best wind profiles in the nation, we

did not have a single functioning wind turbine. In spite of the eight long years of Liberal inactivity on renewable energy, thanks to this government and its forward looking policies we are now home to nearly 50 per cent of the nation's wind power.

Although South Australia has just 8 per cent of Australia's population, we currently hold 47 per cent of Australia's wind power generation. Currently, there are 11 wind farms in South Australia, generating up to 868 megawatts of power. More projects are under construction, and it is expected that by July this year the total wind power generated in South Australia will pass the 1,000 megawatt mark. I will put that figure in an international context. If South Australia were a nation state, it would rank second in the world only behind Denmark in the amount of wind energy it hosts per capita as a proportion of its total electricity generation.

As the Governor mentioned in his speech, last year the government increased targets for renewable energy production to 33 per cent by 2020—well above the national target of 20 per cent by 2020. Two independently prepared consultants' reports have advised us that 33 per cent is a credible and achievable target which is certainly worth striving for.

There are many different ways the government is ensuring that we reach this new ambitious target. We have established the Renewables SA Board that will provide a single focus for our efforts to attract more renewable energy to the state. We have created a \$20 million Renewable Energy Fund and invested in a green grid feasibility study to unlock the renewable energy potential of Eyre Peninsula. We provide the nation's most user-friendly land use planning and land access regime. South Australia has become the first jurisdiction in Australia to rebate payroll tax for the construction phase of large scale renewable energy projects. We have committed to establishing a sustainable technologies precinct at Tonsley Park to support and promote the development of clean technology industries.

We are doing remarkably well in clean energy investment. For example, South Australia has attracted 94 per cent of all Australian investment in geothermal projects; that is, 94 per cent of \$462 million worth of investment. By the way, since 2002 this government has attracted nearly \$2 billion worth of combined investment by private energy companies in wind farms across the state.

South Australians can be particularly proud of the work being done with solar power. The government has installed solar panels on prominent public buildings and mandated the installation of solar panels on all new and substantially refurbished government buildings. We invested in Australia's largest rooftop solar array—a 10,000 square metre installation at the Royal Adelaide Showground, some 12,720 solar panels across six large rooftops. This has been recognised formally as a power station and been added to the register of accredited power stations under the Renewable Energy (Electricity) Act 2000. It demonstrates that solar panels can supply electricity on a commercial scale.

South Australia also lays claim to Australia's first solar feed-in legislation. We pay a premium to consumers who return electricity to the grid. This scheme has been overwhelmingly successful, with the number of grid-connected solar systems in South Australia increasing from 1,500 to over 12,000 systems since the legislation was announced. We now have around 20 per cent of Australia's residential grid-connected solar photovoltaic capacity—another example of this state punching above its weight.

The South Australian government has also committed to supporting emerging renewable energy fields, such as wave technology and the production of biofuels from native microalgae. Some of the other clean energy initiatives that the government has supported recently include:

- Mandating the desalination plant be powered entirely by renewable energy.
- The establishment of a regional sustainability centre at Whyalla in the Upper Spencer Gulf region.
- The development of a prototype solar-geothermal hybrid plant.
- The development of a solar-thermal air conditioner that offers potential applications for residential homes.

While the first two projects I have mentioned are self-explanatory, allow me to discuss the other two in some greater detail.

First, in relation to the development of a solar-geothermal hybrid plant, this project will be led by Professor Gus Nathan, a director of the Centre for Energy Technology at the University of Adelaide, and Heliotherm, a subsidiary company of the South Australian geothermal energy developer Petratherm Ltd.

The team will use an integrated boiler to exploit both energy sources in a unique configuration, reducing capital costs and producing highly efficient clean power. The state government's Renewable Energy Fund has contributed \$700,000 towards this project, and this is in addition to almost \$800,000 already committed from the Premier's Science and Research Fund.

Secondly, the development of a solar thermal air conditioner shows some promise. The government has provided a \$200,000 investment for the development of an air conditioner that will turn heat from the sun into cool air. The project will focus specifically on residential applications in a bid to address growing demand for electricity during our long, hot summers. In the past three years, electricity demand on hot days has grown by 20 per cent, and this is attributed to the increased use of conventional air conditioners.

If we can develop an air conditioning system that uses energy from the sun, rather than from the power grid, we could potentially reduce the average householder's energy use by over one half. These projects are just two practical examples of the government's commitment to renewable energy. It is always important to ask ourselves: are these initiatives (such as those I have outlined today) actually going to make a real difference? Will we cut emissions through the increased use of clean energy? The answer seems to be simply, yes. The International Climate Group's Greenhouse Indicator Annual Report for 2009 confirms that South Australia leads the nation in carbon emission reductions and was the only state in Australia to record levels below that of 2000.

It is important to acknowledge that not only did South Australia's emissions drop by 3.2 per cent over that time but also our economy grew by more than 27 per cent. Our renewable energy initiatives are good news not only for the environment but also for the economy. A report to the Climate Institute last year predicted that there would be almost 4,000 jobs in the construction phase alone of the already planned renewable energy projects in South Australia. The clean energy sector will continue to create jobs across all skill levels for many years to come, and today I have highlighted just some of our renewable energy initiatives and achievements.

Fostering clean, green energy is a key priority for this government, and this will be reflected in the updated South Australian Strategic Plan. As Clare Peddie wrote in *The Advertiser* on 12 February this year:

While the rest of the world argues about long-term cuts to greenhouse gas emissions, South Australia is getting on with the business of saving the planet.

Again, I thank the Governor for his address to the opening of the parliament and for outlining the goals that this government has set itself. It is a great honour to be part of this government and to serve the people of South Australia. I am proud to stand here today as a member of one of the most diverse legislative councils in South Australian history. We may not always agree as members of this council (in fact, I am pretty certain there will be times when we will not agree quite vociferously), but I do look forward to working with you all over the next four years and beyond, passionately debating the best policy outcomes for all South Australians.

The Hon. R.P. WORTLEY (16:07): I would like to second the motion. It gives me a great deal of pleasure to respond to the address delivered on 6 May by our Governor, His Excellency Rear Admiral Kevin Scarce AC CSC RANR. Is that not impressive, Mr President? The Governor last summoned the parliament on 10 September 2008, and it was in the course of my address in reply speech the following day that I welcomed and congratulated His Excellency on his many distinguished contributions to the community and economic life of our state.

Since taking office, His Excellency and Mrs Scarce have embraced their roles with great dedication. They have become an integral part of the fabric of public life here in South Australia, and they have brought a freshness and enthusiasm to their numerous tasks which has endeared them to us all. I take this opportunity to express my appreciation of His Excellency's gracious remarks in support of the government's key objectives for the coming term: the promotion of jobs and investment; the creation of safer communities; the enhancement of our state's infrastructure; and the provision of first-class health and education services—all within the context of the protection of our unique environment.

The Rann Labor government has been re-elected for a third term on the basis of its solid economic management, its socially inclusive policies, its focus on tackling crime, its leadership on renewable energy, its creation of real, well-paid jobs; and its optimism and confidence in the capacity of South Australians to rise to the many challenges that confront us in the 21st century.

The legislative program outlined by the Governor for the first session of the 52nd parliament makes it abundantly clear that the government will continue to provide the people of this state with economic growth, employment opportunities in the city and in regions, security, world-class hospitals, investment in schools and specialist teaching staff and improved transport systems. All this is in a vibrant, diverse and tolerant society that looks out with assurance to our region and the global community. His Excellency called us to convene for the dispatch of business, and I will now turn to that business.

As I have already indicated, the government is intent on improving our economic performance, and integral to this is the rate of employment. We will create 100,000 jobs over the next six years. Pre-apprenticeships, apprenticeships and training places will be introduced across a variety of industries and focus especially on areas in which skills shortages and underemployment have been identified.

As an additional measure to promote employment, payroll tax on the wages of apprenticeships and trainees will be abolished. Local small to medium-size manufacturers will be assisted by way of a new investment development program. On the issue of taxes, a substantial reduction in land taxes will remove the burden of their payment from almost 75,000 of our people.

We will continue to build on the health system and infrastructure. Our major hospitals will be redeveloped and expanded and their services augmented. We have adopted the realistic target that by 2013 95 per cent of all patients attending emergency facilities will be treated and either admitted or discharged within four hours. We have already made provision for over a quarter of a million elective surgeries and other procedures over the next four years.

Of course, work on the new Royal Adelaide Hospital goes on apace. We anticipate that construction will commence early next year. The new RAH will be the jewel in the crown of South Australia's health infrastructure, with state-of-the-art facilities and protocols and a private room for every patient. This will benefit not only the patients but also the hospital staff. Just think of the two issues here: infection control and privacy—and there are many more.

At the same time, additional funding pursuant to the recent COAG agreement will be allocated toward services including mental health initiatives with particular relevance to our young people and nursing home accommodation for those in need of specialised aged care.

The defence and mining resources industries have been bringing new impetus and prosperity to our state, particularly since the Rann government took office. In the last financial year, the latter brought in more than \$2½ billion dollars in export income to our state. We will ensure that additional funding is available for initiatives intended to strengthen mining employment and see the Olympic Dam extension to completion.

Geothermal exploration, along with developments in wind and solar technologies, has the potential to transform South Australia into the nation's renewable energy powerhouse. Our Labor government is ready to capitalise on our state's resource bounty; indeed, we have attracted the lion's share of investment in geothermal power technology in South Australia for the period 2002-13, enabled by the government's visionary and highly effective Petroleum and Geothermal Energy Act.

As premier Rann stated when outlining last year's budget, 'The Rudd government has asked every state to reach a 20 per cent target for renewable electricity generation by 2020.' We had a much more ambitious target in South Australia—to reach that 20 per cent target by 2014. We are going to reach our target ahead of our 2014 deadline and years ahead of the national deadline. Our new even tougher target of 33 per cent by 2020 will keep us at the forefront internationally of jurisdictions supporting renewable energy.

Yet another demonstration of the vision that characterises our government's actions, both now and into the future, is our plan for a sustainable technologies precinct at Tonsley Park. It will once again put South Australia under the spotlight when it comes to the provision of support—not just lip service but genuine support—to the development of clean, green technologies.

In regard to defence industries, it is to the credit of our Governor (among others, of course) that our state is now Australia's defence powerhouse. As we know, it was following his retirement

from the Navy that His Excellency put together and headed up the team that obtained the commonwealth contract to build the air warfare destroyers here in Adelaide. He also advised the organisation set up to deliver on our shipbuilding infrastructure and skills commitment, a lasting contribution to our community's prosperity and standing in the federation.

The mining and defence industries need scientists, geologists, mechanics, engineers, electronics and logistics specialists, among many other skilled workers, and that is why the government will focus on the recruitment and retention of specialist science and maths teachers. Once again, we are acting today to secure our state's future. Education is crucial to our vision of that future.

The government is committed to securing excellence in education for our children. We are substantially expanding four of our flagship senior schools: Glenunga, Brighton, Marryatville and Adelaide. We are establishing 10 children's centres which will provide one-stop services in health, parenting, child care and preschool placement. We are creating six new units for the education of children with disabilities and six new behavioural centres to assist those children who are experiencing difficulties engaging with school routines and procedures.

Efficient, safe transport is integral to all these plans, particularly when one considers the projected growth in our population over the next several years. Again, we look to the responsible management of growth through well-informed, careful planning.

Our government is spending \$2 billion—that is five times as much as the previous Liberal government—on building an improved public transport system, including the extension and electrification of rail lines. The Northern Expressway is scheduled for completion this year, and it is anticipated that a design and construction contract will be awarded also in this year for the South Road Superway. This project will generate substantial employment and business opportunities while improving transport efficiency and safety, removing bottlenecks and reducing congestion in the metropolitan area. We will, at long last, duplicate the Southern Expressway—that monument to the lack of foresight and the staggering ineptitude of past conservative governments.

I digress, so returning to the government's plans in the transport portfolio, I applaud the implementation in the coming term of road black spot improvement programs, expanded road safety programs, the establishment of an inexperienced driver category for those with less than two years' driving experience, the mandatory application of alcohol interlocks for repeat drink drivers and tougher sanctions for people who cause harm while engaged in illegal street racing.

I turn now to the matter of water security. A desalination plant will begin delivering water to our communities by the end of this year. The plant will be powered by 100 per cent renewable energy and will deliver up to half of the capital's water needs every year once fully operational.

We will continue to stand up for the River Murray and for the myriad life forms (including people) who depend on its water. We will provide rebates for rainwater tanks to a maximum of 40,000 tanks. We will not maintain, nor will we double, but we will triple our stormwater catchment amount by 2012.

We understand that water security is vital and so is the security and wellbeing of our community, physically and emotionally. Law and order is a priority for this government. This year we will have a record number of police officers: 4,400. The crime rate has dropped by a third since we took office and this is in no small measure due to the Rann government's increased spending on the operational budget of the South Australian police force, which is up 79 per cent since the Liberals' last state budget.

In this term we intend to create the southern community justice court so as to deal in a timely fashion with offences relating, for example, to drug use and like behaviours. We will amend evidence laws with regard, where appropriate, to prior court attendance and will legislate for new parole restrictions for child sex offenders. We will amend laws to do with the confiscation of assets and we will legislate to control the carriage of weapons. Ways to discourage and reduce antisocial acts, so often perpetrated after the consumption of alcohol and/or other drugs, will be reviewed and amendments introduced where applicable.

The maintenance of South Australia's AAA rating is a source of great pride to us, particularly when one considers the financial instability that still affects many other countries. The government is noted for its excellent financial management and this is a reputation we intend to guard and enhance. I believe that South Australia is on the verge of a period of great prosperity but we must remain vigilant and prudent with regard to fiscal matters. It is for this reason that we have

established the Sustainable Budget Commission whose midyear report will be closely considered as the government frames the budget for introduction in September.

What is the social dividend of all this activity, all this prosperity, both current and prospective? We in South Australia are noted for the peace and harmony of our diverse communities. Our social inclusion agenda continues to bring rewards for us as individuals, as groups and as a polity. The Social Inclusion Board (the very same organisation those opposite would have disbanded had they won office) has done excellent work in the areas of homelessness, Indigenous health, mental illness and school retention. It has now been asked to apply its unique approach to the development of a master plan for real reform in disability related matters, right through government agencies in the state. I look forward to hearing the board's recommendations for action.

It is essential to our ethos—the Labor ethos—that our community as a whole benefits from the economic and building program the government has set out and not just a privileged few; nor am I discussing a purely financial benefit. From the program, many other benefits follow. It is a truism that our cultural life reflects who we are and shows us to the world. Here in South Australia we are a great cultural community and, of course, our love of sport is a significant part of our culture. This government will oversee the expansion of our highly successful Convention Centre and its landscaping and other works which, alongside the redeveloped Adelaide Oval, will create a coherent, vibrant and accessible cultural and sporting precinct. The celebrated Adelaide Festival of Arts will become an annual event, along with the Fringe, the Cabaret Festival, WOMAD, the Clipsal 500 and the Tour Down Under.

I am excited about the government's reform and other agendas and look forward to the coming term. As I said before in this place, looking forward and planning now for the future are the hallmarks of this government and the reason that South Australia now steps up with pride. Contrast this with the situation we faced eight years ago—those opposite may well shake their heads and I note that the Hon. Ms Lee looks quite embarrassed about the previous Liberal government's record. Rest assured that we have fixed up the problems and we are now looking at full steam ahead.

To appreciate the present and the future, one must balance and compare these with the past. We inherited high unemployment but we have turned that around. We have created more than 111,000 real jobs since taking office. We have invested nearly \$400 million in our naval shipbuilding yard and that investment is paying off. Our figures are better than any other state. We inherited a high crime rate, our elderly citizens were afraid to cross the street and go out at night. That rate is now down by a third. We are recruiting more police and toughening more than 100 criminal laws. Crime numbers have dropped by almost 200 a day.

We inherited a dysfunctional health and hospitals system. We now have more public beds, more salaried doctors and more nurses per capita than any other state. We have 1,074 more doctors and 3,692 more nurses than we had eight years ago, and we will build the new \$1.7 billion Royal Adelaide Hospital.

We inherited a moribund economy, neglected or non-existent infrastructure, and a misguided complacency in public policy and forward planning. We now have a thriving economy and a massive infrastructure program, including: \$2 billion allocated to building a better public transport system; the majority of the country's exploration and mining investment—there is so much more; water security in the pipeline; health and education services to be proud of; and a social inclusion program that has seen the homeless housed and early school leavers re-engaged with the education system. Let us not forget that, whilst addressing today's needs and the challenges of the future, we are intent on protecting and nurturing our precious South Australian lands, waters—

Members interjecting:

The PRESIDENT: Order! The opposition will suffer in silence.

The Hon. R.P. WORTLEY: —flora and fauna. We look outwards now in South Australia; we are proud of our state, and we trust in our present and our future. Members opposite speak of trust, but it is abundantly clear that they do not even trust each other. I could really contend that they ran one of the most dishonest campaigns I have ever observed. But that is in the past. The people have made their choice, and it was a correct choice. In his address His Excellency stated very clearly:

The government enters its third term seeking to build further on our state's existing prosperity and momentum. It aims to enable South Australians to maximise the opportunities available today and to position our state to meet the challenges and reap the rewards presented by the future.

These words encapsulate the approach of the Rann Labor government: a forward-looking approach, an inclusive approach, an approach that allows each person to realise aspiration, an approach that extends a hand to those who are vulnerable or in trouble, and an approach that recognises that security, in all its manifestations, is key to our wellbeing and growth. Our Governor trusts that we will serve the advancement of the welfare of all South Australians in our deliberations, and I endorse those remarks. I pledge that I will work constructively with all here today in producing good laws for the benefit of our state.

The Hon. D.W. RIDGWAY (Leader of the Opposition) (16:25): I rise as the lead and first speaker of many from the opposition to support the motion to adopt the Address in Reply. Before beginning, I congratulate the Governor on his address last week and also on the way he has discharged his duties and the wonderful work he does around our community, along with Mrs Scarce, who provides great support to the Governor and also independently of him in the work she does around our community. I also congratulate their hardworking staff, who do a tremendous job. The opposition, and I personally, support the great effort the Governor makes in promoting this state and in supporting the residents of South Australia.

In the Governor's address he was confirming the government's commitment to reconnect and re-engage with the state. That is because this government lost connection and failed to engage with the state. We can only look at the decision to shift the Royal Adelaide Hospital—a decision, as members opposite have mentioned, to cost \$1.7 billion (and I expect it will be much more than that when, sadly, it is built on that site). They did not seek any professional advice on whether it was the best location for such a building. You would think that, if you are going to spend that amount of money, you would put it in the right location. It is a wasted opportunity for the local economy in terms of South Australia moving away from its reputation as a backwater. It could have enlivened the whole west end of the city if that site were preserved for an entertainment precinct and an inner city stadium. However, this government thought it knew best. In fact, the Premier, probably the health minister and the Treasurer thought they knew best and decided to build a hospital there.

The Governor spoke about the expansion of the Convention Centre, plus major development works to transform the southern bank of the River Torrens. This government fails, in particular, to set out a proper plan for the whole riverside west precinct. From my inspection just last week—the day after the opening of parliament—of the proposed site for the new Royal Adelaide Hospital, there is no long-term plan for the land beyond the railway lines, extending to the banks of the River Torrens west of Morphett Street Bridge. Apart from costing the new RAH—and I think the figures are somewhat short—no economic modelling has been presented to make a compelling argument for locating the new hospital rather than the inner city stadium and the entertainment precinct at this site.

If we look at the economic value, we have some 4,000 people a day moving in and out of the Royal Adelaide Hospital currently, and when moved to its new site we will still have only about 4,000 people a day—patients, medical specialists, people making deliveries and people visiting patients. It does not provide any economic activity and stimulus. This government has missed an opportunity.

Professor Laura Lee stated that the hospital was an example of successfully integrated design. However, the hospital proposal has not been selected and the location is totally divided from the current medical facilities.

The Hon. G.E. Gago: It's up the road from them.

The Hon. D.W. RIDGWAY: The minister said it is up the road from them; it is a kilometre and a half. She calls it a few steps!

Members interjecting:

The PRESIDENT: Order!

The Hon. D.W. RIDGWAY: I had a site inspection last week, and the only public transport access is by tram. It will be particularly difficult for people to get to it and it is dislocated. They say they know best and they sought professional advice. You got expert advice that it was the best location, did you not? You have never been game to table it because you did not get the advice.

Members interjecting:

The PRESIDENT: Order! It is time for government members to suffer in silence.

The Hon. D.W. RIDGWAY: There was an opportunity for a wonderfully enlivened west end, but this government has failed to deliver that. Last week I asked the minister about the experience of Professor Lee as a world-class practising architect rather than an academic. He was unable to give an example of practical architecture by Professor Lee that I could actually visit and, on behalf of South Australians, work out what we might see here in Adelaide. However, he did mention that she was associated with Mr Jan Gehl (and I note that it was a former minister for planning and transport, the Hon. Diana Laidlaw, who brought Mr Gehl, the Danish expert, to Adelaide).

A report that eventuated from that visit was 'Public Spaces, Public Life', which discussed the River Torrens and how, over the past 150 years, the views and access to the river have been all but lost. The report put that down mainly to the massive building fronts on North Terrace—of course, to the east of this building—but with building a great, big hospital along that site the opportunity will be lost again. In light of the above, along with the 15 per cent swing in the seat of Adelaide, the state government should concede that there is no mandate to transfer the Royal Adelaide Hospital to the rail yard site.

Retouching on the point that Professor Lee's view of the new RAH seems completely unfounded, the state government has developed a reputation for seeming very uneasy about accepting the challenges and criticisms offered by respected international thinkers. Mr John Montgomery is a particular example of this. His practical experience as an urban planner and economist could have been an asset to South Australia; instead, he became impatient as new urban progress projects failed. In fact, I think he was publicly reported as saying that South Australia and Adelaide were at risk of becoming an above-ground cemetery.

Treasurer Foley stated on ABC TV that people like Montgomery should 'get on their bike and get out of town'. The view implied that Montgomery had nothing to offer. It also suggested that if a Thinker in Residence's thinking does not fit with that of the government, they do not belong. If that is the case, it seems the global view remains well beyond Adelaide's field of vision. It comes as no surprise that Professor Lee's views happen to sit very well with the government, and of course we all know that she has particularly strong friendships within very high levels of the government.

The Governor spoke of an estimated \$71.5 billion of major projects in the pipeline that were bolstering economic development. While the Premier reiterates that we must keep small businesses afloat, significant contracts have been handed to interstate and multinational players. While some projects have involved South Australian companies, they are rarely the head contractor, and thus the profits from these projects flow overseas and interstate. The Labor government has failed to give South Australian businesses a competitive edge in winning government contracts—unlike the Liberal opposition, which presented a promising policy to get South Australians back into the game with local participation criteria for winning local contracts.

Throughout the election campaign, the Rann government promised 100,000 extra jobs in South Australia and an equivalent in training places over the next six years. We have already seen Labor make the same promise in Queensland with premier Bligh throughout the March 2009 campaign. In January this year, she was still some 19,500 jobs short; she has created only 1,500 jobs in 12 months. We know that, historically, normal jobs growth and the forwards estimates would see some 70,000 jobs created in the next six years, so, effectively, the Premier has promised only an extra 5,000 jobs in the next six years. If South Australia had kept pace with national jobs growth, 19,000 more South Australians would be employed today.

Trade is also important, and the Governor made mention of it. Unfortunately, the value of South Australian goods and exports declined under this government by some 23 per cent in the 12 months to March 2010, and it is now worth just \$7.9 billion per annum compared with \$10.3 billion a year ago. The value of South Australian exports is in freefall, confirming that the Rann government's target to treble the value of South Australia's export income to \$25 billion by 2014 is nothing but spin.

In 2001-02, under the state Liberals, annual South Australian goods exports were valued at \$9.1 billion. They have declined to \$7.9 billion since then, even without adjusting for inflation. Only 9 per cent of South Australian businesses export, the lowest percentage of all mainland states; the national average is 14 per cent. South Australia's car industry has collapsed, with a massive fall of

some 84 per cent in car exports in the last 12 months, while wheat and mining exports have also fallen significantly.

The Governor commented on the contribution to exports of the mineral resources sector in the last financial year. The success of investing in mining in South Australia owes no credit to the current Labor government. It has failed to present a plan on how it will meet the needs of mining infrastructure, which is set to double by 2027. In late 2009, the state government submitted its list of infrastructure projects to Infrastructure Australia for funding under the commonwealth program.

The report to the Council of Australian Governments from Infrastructure Australia lists no projects for South Australia relative to infrastructure for the mining industry. In 2008 the Minister for Infrastructure announced that the Spencer Gulf Port Link Consortium was producing a feasibility study for Port Bonython, and it is understood that the study has been provided to the Minister for Infrastructure. The lack of government leadership in regard to delivery of a facility at Port Bonython is staggering in the context of the government's rhetoric on its support for and the potential of our state's mining industry.

The Governor stated that the Labor government will continue to work with BHP towards expansion of Olympic Dam. A Liberal government made sure that the Olympic Dam mine went ahead, despite the alarmist resistance against uranium mining of which, of course, premier Rann was a part. It was interesting to note that this morning treasurer Foley tried to fend that off by saying that he was still at school back then; he even suggested that he may not have been able to spell the word 'uranium' at that age.

The Labor Party must always be held responsible for slowing up exploration. In fact, until recently, because of the Labor Party's three mine policy, in which premier Rann had a significant part, people would not explore in South Australia. We are a uranium-rich state; you will always find traces of uranium, and sometimes quite large quantities of it, but you cannot mine it, so why explore and look for anything else?

The state Labor government embraced the proposal to develop a desalination plant at Point Lowly to the extent that it cancelled a project inherited from the previous Liberal government (including \$25 million of funding) to build a desalination plant on Southern Eyre Peninsula, and the people of Eyre Peninsula are still starved of water.

It is pleasing to note that, with the retirement of Liz Penfold, Mr Peter Treloar was elected the member for Flinders, and I am sure he will be championing the cause of water on the West Coast. More recently, the government also walked away from its agreement with BHP Billiton for a jointly developed desalination plant to supply water to Eyre Peninsula, Upper Spencer Gulf and Yorke Peninsula communities.

The Governor mentioned the Tonsley Park precinct and South Australia's supposed leadership in renewable energy investment. Premier Rann's constant claim that South Australia is a leader in renewable energy generation is not true. In the Clean Energy Australia Council's annual Clean Energy Report, South Australia does not lead the nation in renewable energy. In fact, it is fifth in the nation.

For more than two years, Labor has known that the Mitsubishi site would be vacant yet it has done nothing to develop that as another employment hub. It ignored the employment needs of people living in the southern suburbs until just before the election. This is another Rann government policy framed on South Australian Liberal commitments. As far back as February 2008, the South Australian Liberals called for a multipurpose redevelopment to include high-tech jobs for the future.

Like the Mitsubishi site, Port Stanvac is another example of land that has been left vacant because of Labor's complacency and lack of foresight. The plant was mothballed in 2003 and the government refused to release a copy of the 2003 agreement with Mobil, telling us that Mobil had until 2019 to remediate the Port Stanvac site.

Labor's arrogance completely ignored the interests of the community in knowing the details of that deal. The lack of transparency was no doubt a deterrent for potential investors in the fuel market and perhaps has adversely affected the availability and price of petrol in South Australia. Last June, treasurer Foley announced that Mobil would remediate the site within 10 years, and by 2019 it will be 16 years since Mobil wound up its operations.

Members opposite have spoken of transport and the Governor spoke about investment in transport. This ignoring of southern Adelaide also applies to transport. It was only just prior to the

election that the government announced the duplication of the Southern Expressway. In fact, minister Hill at a community forum in his own electorate only six days before the announcement said that there would not be a duplication of the Southern Expressway. He said that the government was expanding the rail service to Noarlunga and that there would be no expansion or duplication of the Southern Expressway.

Of course, the government announced it in the election campaign. Premier Rann made the announcement. When asked about whether it was funded or how it was funded, he said that that would be released later in the campaign. Minister Conlon was asked later that day, and he said he was not sure how it would be funded but that treasurer Foley would be handling the money and he would let the community know how it would be funded because in the Mid-Year Budget Review there was no allocation for the Southern Expressway.

Subsequent to that, treasurer Foley, when quizzed on how it was to be funded, said that the \$445 million was in unallocated capital in the forward estimates. It beggars belief that you could have \$445 million just sitting in a hollow log being unallocated.

It is also interesting to note that the Darlington interchange was announced as part of that project and yet the designs have not been completed. In fact, at a transport conference the week after that was announced, employees from DTEI were telling me that they had no idea what was going to be built and that certainly you could not build that for some \$75 million as the Governor mentioned.

The Governor also mentioned the soon-to-be completed Northern Expressway which has come at a blow-out of \$264 million over the projected cost of \$300 million. Members should be reminded that the South Australian government only paid \$125 million for the project and that it was the former Liberal federal government that provided some \$424 million of funding.

In October, the government announced the South Road Superway project, and this is an interesting project. If members recall, it was announced on a Thursday—in fact the first sitting week of parliament after the Premier had had a little altercation with a gentleman with a *Winestate* magazine at the wine centre. It is my belief and the opposition's belief that this project was announced to give the government a good headline at the end of a potentially bad week.

The project manager was asleep in Europe when it was announced and, when he was rung, he had no idea that it was being announced and he assumed that this was the project. Then minister Atkinson said on radio (I think it was 891) that he did not know that it was being announced until he heard it on the radio.

That brought me to question whether it really went through cabinet. It is an \$850 million project. You would think that a project of that size would go through cabinet before it was announced. We asked that question in the other place and treasurer Foley said that then minister Atkinson was probably at the toilet when we discussed it. Most of us spend a penny when we are at the toilet but obviously Michael Atkinson spends some \$850 million. It is a fair stint at a toilet if you can spend \$850 million while you are in there.

What actually happened, remembering that this was announced in October, is that when the project went to the Public Works Committee, it was revealed that it did not go to cabinet until 14 December. I have to ask the question: did treasurer Foley mislead parliament when he said that Michael Atkinson was at the toilet when it went through cabinet? It brings into question the style of government that we have had for the last eight years and what we are likely to get in the future.

This typifies the government's ad hoc approach. The industry proponents, while they say it is a good project, say that it was not a priority project. There are other more important parts of South Road that need attention, but clearly this is a project that was announced to take the heat off the government and create a good headline to save the Premier's bacon. Labor has no long-term plan to create a north-south corridor to fix our roads. We still have a \$200 million backlog in road maintenance and there is simply no plan from this government to address it.

The 30-year plan was also mentioned by the Governor. Labor has no long-term plan for supporting population growth. Contrary to building vibrant, inclusive communities, the 30-year plan for Adelaide shows that the government has not prepared the adequate infrastructure to support growing populations, nor has it considered viable alternatives for growth areas. There is no doubt that Adelaide needs a notional plan, incorporating key directions that can be altered in the face of radical changes. Any plan as far-reaching as 30 years must be flexible. This document appears to be far too rigid.

Adjustments and reviews included in the plan focus on the speed and pace of implementation rather than identifying necessary changes where they are needed. There is a focus on activities which will feed off the transit-oriented developments but no short-term plans for development of TODs.

The raft of targets relating to infrastructure, population growth and housing are primarily centred on TODs and, without definitive plans for those centres, the rest of the plan falls flat. It is interesting to note that the government is still talking about the Clipsal site. We saw the fiasco with the St Clair site where the community was hoodwinked as to exactly what was happening and they are speaking of a TOD at Noarlunga.

The opposition supports TODs, and we call on the government to develop the one at Bowden (the Clipsal site) as a demonstration site. The government is trying to force TODs on communities across the state and in the metropolitan area and, if the government gets it wrong, it will be a disaster.

The minister has also mentioned that infrastructure will be rolled out as development proceeds. For the scope of developments we are looking at, the future infrastructure costs will be massive. A major development is also planned for Roseworthy. The Department of Planning and Local Government says that these developments will be sustainable and has made the assurance that new residents will not rely on Gawler's existing infrastructure. However, you should look at Roseworthy, Mr President. Statistically, it is one of the hottest places in South Australia. Research identifies that peak electricity demand occurs in the summer, and the demand can be predicted to some degree by using maximum daily temperatures.

So, one would have to question the 30-year plan. How, then, does creating one of our major growth areas in the hottest part of the state make sense from a sustainability perspective? It will be more expensive for people to cool their homes, hotter for children to play outside, hotter to take a walk or to ride a bike, and hotter to walk to public transport. I think this is something the government has not thought about. It flies in the face of the government's claim that it is a leader in renewable energy, when it talks about locating suburbs in what is often one of the hottest places in the state. Buckland Park is another commuter suburb which is miles away from major services and employment. It is situated on a flood plain, not far from the composting facility, and it has no direct public transport.

The Governor finished his address by affirming Labor's law and order priority. The state Labor government should be condemned for its failure to stem the spiralling violent crime plaguing our community. Premier Rann has failed in relation to the 2002 contract on law and order he made with the people of South Australia, when he said that the government would be tough on crime and serious about treating its causes.

The ABS statistics show that between 2002 and 2008 homicide and related offences increased by 22.6 per cent and that armed robbery is up 10.4 per cent and assault has increased. In 2008-09, some 22,668 people became victims of offences against the person.

Community complaints regarding the visibility of police and response times are becoming more frequent, and it is clear that many of these officers are behind desks undertaking administrative duties instead of patrolling our neighbourhoods.

The Hon. P. Holloway interjecting:

The Hon. D.W. RIDGWAY: The minister interjects that we have 1,000 more police. Well, where are they? If you go out on the street and talk to the community, no-one knows where they are. Under the Rann government there has not been an improvement in the number of police provided in the city on a permanent basis. While special operations have been successful, they serve only as proof that a permanent solution is necessary. Of course, the summer contingent is now missing from Hindley Street. Two weekends ago, it was a disaster zone again because police officer numbers were at an all-time low.

State Labor has failed to adequately provide our police with the resources they need to do their job. The Rann government's—and the commissioner's—policy on Tasers is simply a joke. South Australian police officers are confronted with extremely agitated and aggressive people, who are a threat. Having a Taser gun in the boot of a car that is not in the immediate vicinity of a volatile incident is of no use to police who are confronted with a potentially explosive and violent situation. The state Labor government refuses the challenge in relation to integrity and it is still resisting the establishment of an ICAC, despite the successful adoption of this policy by other states.

It is clear that this government has no mandate for government. It did not win 50 per cent plus one of the popular vote. Over the next four years, it will be a pleasure to demonstrate to the South Australian people how they have been conned by this government yet again.

The PRESIDENT: I call the Hon. Ms Lee. I remind honourable members that this is Ms Lee's first speech in the council, and I direct that they will show the usual courtesy that is shown to those making their first speech.

The Hon. J.S. LEE (16:50): Thank you, Mr President. I support the motion for the adoption of the Address in Reply to His Excellency's speech when opening this session of the 52nd parliament. The Governor is well respected by all and has the affection of all in this chamber and the people of South Australia. I also acknowledge that we meet on Kurna land, and I pay my respects and extend my thanks to the traditional owners.

I cannot help but be overwhelmed by the vibrant red colour of this chamber as I rise to speak for the first time. To me, the red colour not only represents the power that people bestow upon us but symbolises the passion all South Australians have for this wonderful state.

I remember the quote from the famous Chinese philosopher Lao Tzu, who said, 'A journey of a thousand miles begins with a single step.' By taking my first step into this chamber, I am aware that when I speak my voice is not just my own; I represent the voice of all South Australians. It is a privileged role and a great responsibility. It is an incredible honour to be elected to the South Australian parliament. To have a seat in this great chamber did not come easily. It is a great privilege to be elected by people who believe in me, and I thank them for their faith in me. I come to this chamber with a strong commitment to the present and investment for the future. I intend to use my skills and knowledge to advocate for the people of South Australia and to represent them in this parliament.

I stand here today representing a wonderfully diverse community that offers ideas and opinions on how we can do things better. I am humbled that many fellow South Australians regard me as the new voice for multiculturalism. More than 100 of my friends and supporters from the multicultural community lined up on the steps of Parliament House this morning (some of them are in the gallery) to pass on their congratulations to me. It was a heart-warming gesture and a humbling experience. I am moved by their love and support. Even more special is that they brought along two colourful and vibrant Chinese lions for this auspicious occasion. The lucky lions will bring prosperity, good fortune and good governance to the parliament.

Indeed, I am very honoured to be supported by the multicultural community in South Australia. I intend to represent all those within South Australia, regardless of their age, race or gender, where they come from or where they live. I strongly believe that in order for parliament to function effectively it needs to comprise a broad range of members that bring with them vast experience and backgrounds. On this note, I acknowledge all the members in this chamber and especially welcome the Hons Kelly Vincent and Tammy Jennings.

In 1894 South Australia became the first state in Australia to grant women the right to vote and the first place in the world to grant women the right to stand for parliament. South Australia set a precedent that played an important part in making Australia in 1902 the first country in the world at a federal level where women had the dual right to vote and to stand for election.

With this historical fact in mind, I must say it is incredibly pleasing that three new members of the Legislative Council are women. It is not because we are trying to gang up or anything, but it is the fact that I believe each one of us got here in our own right. We got here based on what we can contribute and what we believe in, not because we are women.

During my preselection I was very aware that Liberal Party members do not choose their candidates based on a quota system. Instead, we choose the best people we believe can do the job. If it happens to be a woman, then she is given equal opportunity and the full support of the party. Leading examples are Isobel Redmond, Leader of the Opposition (who is in the gallery), and the Hon. Michelle Lensink, deputy leader in the Legislative Council.

Of course, I personally will miss two wonderful women members who retired at the 2010 election. They were both from the country. I pay tribute to Liz Penfold, who has been a strong local voice as the member for Flinders, and the Hon. Caroline Schaefer, who has been an outstanding legislative councillor with a strong agricultural and farming background. Among her many political achievements, she was also a former minister for primary industries.

I have great admiration for both Caroline and Liz. I most admire their commitment to serve country people and their knowledge about country regions. My regret is that I will not have the chance to work with them in parliament, but I know that I can pick up the phone at any time to call them and they will respond. It is the way they are: politics and a sense of community will always be in their blood.

At this point I also acknowledge another retiring member, the Hon. Robert Lawson QC—a gentleman well respected for his intellect and wisdom. Robert held numerous ministerial positions during his term of parliament and was an important part of the Liberal team. I take this opportunity to thank the retiring members for their remarkable contribution to the parliament and the state. I always feel that retirement is just a fancy word for people wanting to take time off. I am sure each of them will enjoy a brand-new life after politics.

With the assistance of the helpful staff in the Parliamentary Library, I searched through the archive to find that I am the first Malaysian born Chinese to enter the South Australian parliament. I believe I am currently the only Asian member here who can speak at least two Asian languages, namely, Bahasa Malaysia and Chinese (in a number of dialects).

I am glad my parents had the foresight to send me to a Chinese school to receive my primary education. That decision helped me years later to pave my career in international trade. My Chinese language skills have become a great advantage for doing business in Asia, recognising that Chinese is a key language for communication for many of Australia's top trading partners, such as China, Hong Kong, Singapore, Malaysia and Taiwan, just to name a few.

When I finished my primary education in Malaysia, my family migrated to Adelaide in 1979. I could not speak much English when I first arrived, so I ended up in a language centre designed for migrant children who had little or no English language skills. I ended up mixing with many Vietnamese and Cambodian refugees. I am pleased to say that a number of them remain friends today.

I spent only about two to three months in the language centre. I was a keen learner. My teacher wanted to see me integrate and adapt to the Australian way of life, so I was transferred to a mainstream school. By then my family had moved to Payneham, and the nearest public school close to my home was Marden high school. My first two months at high school were horrible. I was the only Asian kid there, unlike at the language centre where just about everyone looked like me and talked like me and I fitted in comfortably. It was the total opposite at Marden high school. I was a complete outsider. I looked very different from the other kids. I was given many shocking nicknames, and my life was miserable. Racial abuse and bullying at school was commonplace. I was too scared to talk to anyone. I always sat in silence. No-one really knew I existed.

Then I had a fight with a classmate who took the biscuits that I had baked in a home economics class. I threw the cookie tray onto the floor. I shocked everyone, including myself. I was sent to the detention room straightaway without question. At first I was angry and so scared that I could not speak. Finally, I sucked in all the oxygen I could possibly consume and spoke loudly for the first time. I questioned the teacher about her decision and explained my action.

Unfortunately, the teacher thought I was still the troublemaker, so I had to stay behind after school. You can just imagine how upset my father was when the teacher explained to him that his quiet and demure daughter had behaved badly. Two good things came out of that unfortunate incident. At home, my father discovered that deep down his little girl was not as weak and fragile as she appeared. This little girl was quite capable of defending herself.

The next day, when I walked into the schoolyard, I had fellow students giving me nods along the way. Some came up and hit me on the shoulder and said, 'Good on ya, mate,' and I started to make friends from that day onwards. Now, who would have thought that one bad incident would become a positive turning point in my teenage life? From that moment on I was no longer afraid to go to school. I finally found my voice, and I have learned to use it to fight injustice ever since. It is from my teenage experience that I have developed zero tolerance to racism.

I believe that, although many of us are born in other countries, our commitment to Australia is in no way lessened. I am a very proud Australian. I have chosen to take an active role in the whole community. This meant not only accepting cultural diversity but also respecting and recognising the positive value of diversity. I believe that diversity enriches our community in so many aspects of our lives. I have been actively involved in the Chinese Asian community for more than 20 years.

So many intelligent and generous people in the community have mentored me over the years. My parents, uncles and aunties in the community always give me the most amazing wisdoms. One that has clearly stuck with me is: nothing is impossible in this world if one has a willing heart. The other is: if you have a talent, you must use it to benefit others and to bring joy to the world. I have made friends with so many community minded individuals and organisations that I cannot help but be constantly impressed and inspired by their tireless efforts.

Year after year without fail they volunteer their time and effort to stage festivals and charity events that showcase their proud cultures and traditions. They continue to share their arts and crafts, music and dance, and food and experiences with mainstream Australian society. I thank all the valuable contributions made by our wonderfully diverse community. I have a special interest in the development of a strong multicultural society in South Australia. It is my aim to work with all my colleagues in parliament to ensure that we continue to develop sound policies and to encourage everyone to participate and to contribute equally and productively in making South Australia a richer and more dynamic place in which to live.

I am a proud Liberal and have lived the Liberal way all my life. Liberals believe in equality of opportunity, with all Australians having the opportunity to reach their full potential in a nationally tolerant community. Liberals believe in the innate worth of an individual, in their right to be independent, to own property and to achieve, and in the need to encourage initiative and personal responsibility. My Liberal values were developed from a young age. I was never afraid of hard work. I believe in the right to be independent, so I started part-time work at the age of 15 in a Chinese restaurant.

I was proud of the fact that I was always self-reliant and never had to ask my father for pocket money. I continued working part time whilst studying because I believe in taking personal responsibility to reach my full potential. After high school, I studied business administrative management at the South Australian College of Advanced Education, which is now called the University of South Australia.

My first full-time job was with the South Australian Tourism Commission (SATC), where I joined the team which started the first South Australian Shorts holiday campaign. It was a highly successful intrastate tourism campaign. During that time I visited just about all the tourist destinations, as well as motels, hotels, homestead, and bed and breakfast facilities in our state. It made me appreciate the beauty and diversity of our great land, and all the breathtaking sites of South Australia's many natural wonders.

It was through my tourism experience that I learnt a great deal about the state, not only from a tourism perspective but also about the related industries and commercial activities surrounding the various regions that make South Australia productive and special. Whilst working for the South Australian Tourism Commission I met many overseas tourists and was motivated by them to venture out to see the world. My family and friends in Malaysia planted the seed that I should look at job opportunities in the Asia Pacific region. So, after three years with the SATC, I was offered a fantastic job in Kuala Lumpur, Malaysia.

In my early 20s I became the youngest general manager of a business centre that helped multinationals set up their regional base in Asia. My job entailed helping multinational companies set up their regional operation, the relocation of staff and families and assisting major projects and commercial contracts. The private company I worked for has offices in Singapore, Hong Kong and China, so I travelled regularly to those countries. I built up significant networks and connections from major corporate sectors in the Asia Pacific region, and, of course, a passion for international trade.

I returned to Adelaide in 1997 after being away for almost six years. Upon my return, I joined the Economic Development Authority. Those who have been around long enough would know that this department has had a few name changes since. I was based at the Business Centre, helping small to medium-size businesses with continuous improvements and growth strategy. Being a very practical business person, I was able to work with business owners across a wide range of industries and address key issues faced by small business. I built very strong working relationships with industries, and I am proud of the fact that I was able to assist them in getting export dollars and to facilitate trade and investment important for South Australia.

Unlike many current and past members of parliament, where they come from a succession of political families, I am the first in my family to pursue a political career. Who would have thought a Chinese migrant with a humbling beginning and who could hardly converse in English some

30 years ago could end up being a member of parliament? It was Martin Hamilton-Smith who first asked me to run for parliament (I think he is in the gallery), and I thank Martin for his encouragement.

I was very reluctant about nominating to run as a candidate because politics was not something I had considered as a desirable career choice. However, South Australia has given me everything I could have hoped for. It has given me equal opportunity in education, it has given me freedom and it has shaped the person I am today. Ultimately, the driving force for me to enter parliament was the desire to serve the people of South Australia and to further contribute to the wellbeing of the community. Like others, I believe I can make a difference.

Furthermore, I believe in the Australian democracy and in our political process. As a Liberal I uphold the belief in the most basic freedoms of parliamentary democracy: the freedom of thought, worship, speech and association.

Many people have repeatedly expressed how they have lost faith in politics and they no longer have confidence in the accuracy of information they are given by political leaders. Therefore, it is important for us to maintain the integrity of our political system. I believe that politics and the parliamentary process have the power to change people's lives for the better. This process will involve seeking out views and engaging with constituents and never taking anyone or anything for granted.

We learnt from the 2010 election that the electorate can send the government a loud and clear message on polling day. The 2010 election produced a massive swing towards the Liberals under the strong leadership of Isobel Redmond. In a tight election, anyone who thinks they alone can get themselves elected without substantial good policies backing them, the support of the Liberal team and the strong approval rating of the leader would be naive.

Isobel Redmond's fresh approach, together with her capacity to understand complex issues and her ability to engage with the constituents, helped the Liberals perform better than expected. It helped us to win three key seats from Labor. My heartfelt congratulations to Rachel Sanderson (member for Adelaide), Steven Marshall (member for Norwood) and John Gardner (member for Morialta). We retained two important country seats, where we welcome Peter Treloar, the new member for Flinders, replacing the longstanding and popular local MP, Liz Penfold; and Dan van Holst Pellekaan (I have the shortest name in the parliament and I think he has the longest), the new member for Stuart, replacing one of the longest-serving MPs in our state, Graham Gunn, who spent 39 years in parliament—what a record!

In addition, Tim Whetstone achieved a stunning victory in the Riverland region and took over from Karlene Maywald as the new member for Chaffey. It is a pleasure to know and work with these six outstanding new House of Assembly members over the long enduring campaign period. I have seen what they are capable of and I know they will do extremely well representing their electorates and serving this parliament in years to come.

At this point, I would like to acknowledge some unsung heroes because it saddened me that many of our top candidates were not able to join us in parliament. We are incredibly proud of their hard work and great contribution to the Liberal Party.

Like more than 52 per cent of the voters in South Australia, I am devastated about the election result. I am disappointed that we cannot form a Redmond Liberal government to truly deliver results that people have cried out for. People have told me that they want a better statewide health system to include country hospitals and keeping the Royal Adelaide Hospital on its existing site.

People told me that they wanted good education for their children and grandchildren. Good education does not mean just having new, bigger super schools. People told me that they wanted to feel safe in their streets, in their homes and when they travel around South Australia. How can they feel safe when the crime rate is on the increase; how can they feel safe when there are so many irresponsible hoon drivers out there; and how can they feel safe when roads in some regional areas are so horrendous?

I am aware that road congestion in the city and in many suburbs has been causing headaches in people's daily lives and also increasing the cost of doing business. It is getting harder and harder for people to commute from home to work, to take kids to school, to transport their goods and delivery services on time. As a state and an economy we can no longer afford to be without a long-term plan for transport infrastructure. As time goes by, this lack of vision by the

Labor government will continue to translate into more road fatalities, alienated communities, uncompetitive trade and hold back tourism.

South Australia's share of the national economic cake has continued to decline during the eight years of the Rann Labor government. Our share of the national economy has declined from 6.8 per cent in 2002 to 6.5 per cent now. This decline is reflected in economic growth, business investment, export values, population growth and below average weekly earnings. Economic progress has been more extensive in other states.

I have seen many smart and innovative enterprises doing a remarkable job keeping the economy ticking and creating jobs for South Australians. Government does not create jobs: private industry does. There is no reason why our state cannot be competitive with other states as a preferred place to do business, a place to live in and a place to bring up children. South Australia can be and should aim to be the destination of choice for businesses large and small, for the young and able, and for families. That is not currently the case.

We have an ageing population and we are losing young people to interstate and overseas. We must act now to ensure that our young people receive appropriate education and training to allow them to gain meaningful employment. Young people must be empowered to consider South Australia as a place for them to live, work and play, and be given the choices to contribute to the economy and for their wellbeing.

The needs of individuals, families and communities are dramatically changing. Are we ready to respond to these changing needs? The Liberals believe in a just and humane society where those who cannot provide for themselves can live in dignity. South Australia needs a government with strong leadership that is capable of developing good policies to meet the aspirations of individuals in our society. Governments should not design a one-size-fits all solution that does not fulfil the needs of families and communities. The success of minor parties and independents in the Legislative Council demonstrates that the electorate did not re-elect the government with great enthusiasm. As the Legislative Council is the house of review, on behalf of the people of South Australia I look forward to holding the government accountable.

If life is a wheel of fortune, then my greatest fortune is to be surrounded by supportive family and friends throughout my life. They walk with me, talk with me, laugh with me, debate with me to make me stay focused on what is important in life, and help me to put things into perspective. These important people in my life instil in me the sense of compassion of helping others in the community and the courage to chase my dreams.

I will take a moment to reflect on a story told by my father. It is a story about a tree—Mark Parnell might enjoy this one! Like many fathers, he was very protective of his daughter. My father said that a small tree needs to be looked after every day for it to grow big. Once it becomes big, its responsibility is to provide shelter and protection to the many small plants and species growing beneath it.

If you are lucky enough to grow into a big tree, you must endure strong winds and lightning but also enjoy the glory of the sun during the day and the soft embrace of the moon and stars at night. I am aware that now I am considered a big tree because I have been given the responsibility and privilege of protecting and nurturing the people of South Australia in parliament.

I thank my wonderful family: my mum and dad, my two brothers and their partners, my nephew, my in-laws, my three stepchildren and their partners, and a very gorgeous granddaughter, and, of course, my soul mate, Eddie Liew. His determination and patience to see me succeed have been nothing short of remarkable. He gives me the strength to always look ahead and move forward. Eddie kept my personal and professional life on track at all times. Without him in my life, the long and winding road of getting to this place would have been even more challenging, so thank you again and again and again.

I have also been extremely lucky to have many incredible friends who have invested both time and finances to help me get here. Just about everyone was on the steps of Parliament House earlier to personally pass on their congratulations to me in delivering my maiden speech. I extend my deepest gratitude to all my dearest friends, community leaders, the Chinese media companies and many more who have shared my journey. Their love and support helped me get through the crazy world of an election campaign and politics. There is no way I could possibly repay them for their generosity and kindness, but I hope to be able to repay some of it by virtue of hard work and full commitment and doing my job well in parliament.

It is my good fortune that I have enormous support from the leader, Isobel Redmond, and the rest of the parliamentary team, party headquarters and supporters of the Liberal Party, including Alexander Downer, Sean Edwards and many others during my campaign. Any time I asked someone for help, it was given willingly and beyond my expectations. Thank you, everyone.

To my colleagues in the Legislative Council—the leader, the Hon. David Ridgway, and the Hons Michelle Lensink, Rob Lucas, Stephen Wade, Terry Stephens and John Dawkins—I thank you for your ongoing wisdom, guidance and friendship throughout my campaign and when I got into parliament. I know that you will continue to be my trusted friends, and it will be a great privilege to work side by side with you in years to come.

I am clear about why I am here: it is because I believe in and love South Australia. I believe we can get the right balance between the economy and the environment. We can improve the social structure of our state, reaching out to those who need extra help and delivering better health, education and infrastructure for South Australia.

We are living in interesting times, and I am excited by the prospect of using my skills and community service to work with you to shape the future of South Australia. My aim is to spend my time here working hard to make South Australia a better place for all of us. So, to all my fellow legislative councillors, thank you very much for your welcome and encouragement. I really look forward to working with you in delivering the best outcomes for South Australia.

Honourable members: Hear, hear!

The Hon. M. PARNELL (17:20): The Greens are pleased to support the adoption of the Address in Reply. I acknowledge, as did His Excellency, that we meet on the traditional lands of the Kurna people. I also thank Uncle Lewis O'Brien for his welcome to country at the opening of parliament. I offer my congratulations to new members: the Hon. Jing Lee, who just made her inaugural speech; and the Hons Kelly Vincent and Tammy Jennings, who we will hear from in the next few days. Mr President, I congratulate you on the continuation of your important role and the impartial chairing you provide to our proceedings here.

The election on 20 March saw the Rann Labor government re-elected for a third term. It also saw the Greens double its representation and, on behalf of the Greens I can promise double the scrutiny in this chamber for measures the government seeks to impose on the people of South Australia. We know the electoral system is imperfect. The government was very lucky to be re-elected, having gained less than 50 per cent of the statewide vote. We need electoral law reform, we need the system to be more democratic, we need to put more power back into the hands of voters, rather than parties, and we need fewer opportunities for dirty tricks.

How to describe the government's third term agenda? The simplest way for me to describe it, having listened intently to the Governor's speech, is to use the term 'same same, not different': more of the same—the same lack of imagination, the same lack of reforming zeal, but, most frighteningly, the same lack of appreciation of our state's woeful preparedness for future economic shocks, particularly those associated with climate change and peak oil, and I will come back to these shortly. If you search for the phrase 'same same not different' on the internet you will come across the SameSame.com.au website, which is a website dealing with same-sex issues. This brings me to a topic on which there is still a great deal of unfinished business—that is, the legal recognition afforded to same-sex couples and their children.

One of the initiatives that the Greens will be introducing this term is to reform the laws that cover same-sex parentage. The Greens will move to amend legislation to give legal certainty and recognition to same-sex co-parents. Currently, under state law one parent is not given any status as the parent of a child although I note that under recent federal changes they will now be liable to child support should that couple break up. In other words, they could be obliged to pay child maintenance, but under state law they will have no legal recognition as a parent of the child, even if the other parent has died. It is the child who is missing protections here. The unrecognised parent may be left without the ability to undertake school permissions or medical consents. In the case of a death or a relationship breakdown, the child may miss out on inheritances, contact and custody with that parent who has cared for them since birth.

In his speech the Governor highlighted the government's alleged commitment to ensuring that the benefits of the state's growing prosperity are shared by all. If that is the case, why on earth is the Treasurer lobbying on behalf of BHP Billiton to reduce the amount that the company needs to return to the community when it makes super profits from its mining operations? Whilst expressing support for the tax, the Treasurer is doing his best to undermine the government's ability to ensure

that the community and future generations benefit from the exploitation of our finite resources. He is happy for the huge multinational mining companies to pay less tax and expatriate more profits overseas.

The Treasurer is supposed to be negotiating with the company over the Olympic Dam expansion, but he has exposed his poker hand already. On ABC radio this morning he said:

The point is, guys, that Olympic Dam must go ahead. We don't have the luxury of debating that issue from the government's point of view; it is a must happen project for the state...

This statement—which, no doubt, has been repeated in private to BHP Billiton—massively weakens our state's bargaining position on the Olympic Dam expansion because the Treasurer is effectively saying to the company that the government will not insist on the company changing its plans on anything it says is non-negotiable. That is remarkable.

Members will recall that we are in the middle of the environmental impact statement process for the Olympic Dam expansion—a process which attracted 4,000 public submissions, including from the state government's own agencies and experts. Many of these submissions were highly critical of major aspects of the project, including the location of the desalination plant, the sky-high carbon emissions, and the management of the radioactive tailings dam and waste rock pile. These are things that the government needs to insist that BHP Billiton improves before the government gives approval to expand the mine.

The government's job is to attach enforceable conditions as a precondition of approval. However, by so openly exposing his bargaining bottom line, the Treasurer has hamstrung his government's ability to secure the best outcomes for South Australia. The next time that the Treasurer attends a late-night karaoke bar to offer a rendition of Kenny Rogers' *The Gambler*, he needs to pay attention to the words he is singing; he needs to 'know when to hold 'em'.

Whilst on the topic of mining, I look forward to debating the government's amending bill introduced today. The Greens will be very carefully looking at the economic and social impact of the bill as well as the impacts on the environment. In particular, the Greens will look at the impact on our state's farmers, and will move amendments to ensure that our farmers get a fair go in their dealings with mining companies. At present it is not a level playing field; the miners always win and our farmers are being short-changed.

This is not always the case interstate. Recently the New South Wales Supreme Court handed down a decision favouring farmers over coalminers at Caroona, near Gunnedah. Remarkably, the New South Wales state government's response was to introduce special retrospective legislation to overturn the judgment and ensure that the coalminers win. That will be debated this week in the New South Wales parliament. Government members here should know that the farming community in South Australia will not stand to be treated this way. All they are looking for is a fair go and, if the government will not do it, the Greens will.

In his speech the Governor said, in relation to the government's agenda, that 'it has committed itself to reconnecting and re-engaging with the state through ongoing consultation, and by listening to South Australia's concerns and aspirations'. That statement must be cold comfort to the people of Cheltenham, St Clair and any number of other local communities who have found the door closed to any meaningful engagement in any of the decisions that so critically affect their neighbourhoods and their quality of life.

Over the last four years the government has diminished opportunities for communities to engage in public participation, particularly in the vital area of planning. Consultation over the 30-year plan was appalling, ministerial rezonings at the behest of the government's developer mates have been foisted on local communities with no attempt to consult local people, and the residential code now means that fewer and fewer development applications are being notified to neighbours and even fewer advertised for public comment.

If the government wants people to believe it then it must do more than simply promise to do better in the future. It must also undo some of the anti-democratic initiatives it has rolled out over the last eight years. The Greens will not neglect local communities, and we will introduce a range of reforms to various pieces of legislation enshrining the rights of people to participate in decision-making that affects them.

In the area of health, the Governor referred to the government's commitment to additional resources to be 'directed to services in highest demand, including community-based support for young people with a mental illness, and to aged care places in nursing homes'. In relation to mental

health, the Greens are keen to see that the government follows through on its commitment to make mental health a priority, a commitment that was made by the Premier during the election campaign and also in the Governor's opening speech.

The commitment to addressing mental health must have a focus on recovery and on helping people to stay well or live well and manage mental illness. It must also address the stigma that many associate with mental illness, and change our culture so that people are not ashamed to seek help early. The government has taken some positive steps in this regard, and I point to the fact that we are now halfway through the Social Inclusion Unit's 'Stepping Up' report, and we hope to see the recommendations in the areas of adequate housing with appropriate supports to attain and manage a tenancy as well as in the forensic arena—keeping people with a mental illness away from unnecessary and expensive contact with the criminal justice system.

We welcome the introduction of the new Mental Health Act to take effect on 1 July but we will be moving the repeal of the harbouring provisions of the Mental Health Act, and we hope that the government will again support this. We should never be criminalising those with mental illness, those who care for them or those from whom people seek refuge.

In the field of energy and climate change, the government continues to pat itself on the back for things that it can take no credit for. Renewable energy investment in this state is driven by the policies of other states and the commonwealth. We are just lucky that the wind and the hot rocks happen to be within our borders.

The real test of the government's commitment to reducing carbon emissions is how well it is performing in relation to the things it can control. The government has been particularly slack in meeting its obligations under the state's own climate change legislation. The government was supposed to lead by example and enter sector agreements with its own agencies as a matter of priority. Years after the due date, we still have only a handful of sector agreements and only one, to my knowledge, with a government agency.

Instead, we got commitments to a carbon-neutral cabinet and then, when that idea went down a treat, we had a commitment to a carbon-neutral government. That latter commitment was a joke, and clearly the government had no intention of meeting that commitment even if it knew what it meant.

Why did the Premier not make as much fuss when he axed the carbon-neutral government program in the Mid-Year Budget Review at the end of 2008 as he made when launching it? The problem is that he forgot that he had axed it. He was continuing to spin the commitment to a carbon-neutral government after it had been axed and needed to receive a memo from the department reminding him to stop talking about it because all funding to that program had been cut.

By the way, we also know now that the mini wind turbines that the government made such a fuss about on the roof of the State Administration Centre and elsewhere did not even work. Not one light globe was ever powered by those mini wind turbines.

In relation to peak oil, I acknowledge the contribution that our former colleague the Hon. Sandra Kanck made to that debate. She put it on the agenda but still the government is woefully unprepared for any future in this state that involves less oil or more expensive oil. There is no point us wringing our hands and gnashing our teeth when supply goes down and the price goes up: that is not good enough. We need as a state to be prepared for a future of oil scarcity.

In relation to education, the Greens welcome the announcement of provision for schools to focus on children with autism. That is a step in the right direction but there is still much more to be done. In particular, we are concerned about the devaluing of TAFE. TAFE provides opportunities for all Australians to get vital skills, to learn a trade or to change careers and to rise above economic or social disadvantage, yet it is a system that is systematically being starved of funding. The consequence of failing to fund adequately our TAFE system will be seen in the critical national skills shortage and it will be seen in the thousands of people who miss out on training and education, and the consequences for our state are dire.

Our schools and our teachers need better treatment from this next term of government. The South Australian public school students deserve smaller classes. We know that the educational outcomes for children are better in smaller classes, but we are often, as a state, penny wise and pound foolish when it comes to investing in quality education that is such a vital part of investing in the future of the state. I would also say that we should fund the education system ourselves. We do not need to be beholden to the armaments industry to provide our kids with the

facilities that they need to learn. We do not need the world's biggest guided missile maker embedded in our classrooms.

In conclusion, the Greens are looking forward to working with all parties and members of the Legislative Council. We will work with the government, we will work with the Liberal opposition and we will work with our crossbench colleagues. Our commitment is to focus on the merits of issues. If bills and motions are deserving of support, the Greens will support them. If they are not worthy of support, then we will not. The approach that we will take in this term is as in the last—to be cooperative but not to be taken advantage of by other parties, particularly big parties. With that note, the Greens are very pleased to support the motion for the adoption of the Address in Reply.

Debate adjourned on motion of Hon. B.V. Finnigan.

SESSIONAL COMMITTEES

The House of Assembly notified its appointment of sessional committees.

JOINT PARLIAMENTARY SERVICE COMMITTEE

The House of Assembly notified its appointment of the committee.

At 17:37 the council adjourned until Wednesday 12 May 2010 at 14:15.