LEGISLATIVE COUNCIL

Tuesday 22 June 2010

The PRESIDENT (Hon. R.K. Sneath) took the chair at 14:17 and read prayers.

RODDA, HON. W.A.

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) (14:17): With the leave of the council I move:

That the Legislative Council expresses its deep regret at the recent death of the Mr William Allan Rodda, former minister of the Crown and member of the House of Assembly; places on record its appreciation of his distinguished and meritorious public service; and as a mark of respect to his memory the sitting of the council be suspended until the ringing of the bells.

It is with sadness that I inform this chamber that Allan Rodda, a former minister in the Hall and Tonkin governments, passed away on 27 May this year aged 92. As a member of parliament and a minister he worked selflessly and devotedly for the betterment of South Australia.

Mr Rodda left parliament in 1985 choosing not to contest that year's state election. That was four years before I was elected to the House of Assembly so our time in this parliament did not coincide but, of course, I am well aware of Mr Rodda's service in this place as the member for Victoria, based in the state's South-East, and I recall his presence even after his retirement from parliament during his occasional visits to this place.

Allan entered parliament in 1965 at the same election that ended the long tenure of Sir Thomas Playford and the ascension of Frank Walsh as Labor premier of this state. After five years on the opposition benches, he received his first ministerial appointment, serving as minister of works and minister of marine for three months before plunging back into opposition for a further nine years.

Mr Rodda then served as chief secretary, minister of fisheries and minister of marine in the Tonkin government, resigning from the ministry in 1982. Chief secretary is not a cabinet position we adopt in this day and age but, simply put, that portfolio was responsible for, among many other things, police and prisons.

William Allan Rodda was born in Tumby Bay on Eyre Peninsula in 1917 but spent most of his adult life in the South-East. After serving as a bomber pilot with the Royal Australian Air Force during the Second World War, Allan moved to Penola initially to take up a role as an administrator of the soldier settlement scheme. He later farmed land near Naracoorte, raising sheep.

From there he was elected as a member of the Liberal Country League to represent the people of the seat of Victoria, now broadly what we call the electorate of MacKillop. In this role he championed the causes of rural communities, particularly his constituents in the state's South-East. His first parliamentary appointments were as government whip in the other place and the parliamentary under secretary assisting the premier during Steele Hall's premiership.

I think it would be fair to say that Mr Rodda's ministerial career was distinguished but not without controversy. That is not surprising given his contentious portfolio responsibilities as chief secretary. His time as a minister coincided with an inquiry into erecting lights at what was then known as Football Park (a very controversial topic in this city 30 years ago), a royal commission into the prison system and an inquiry into allegations of police corruption.

Mr Rodda left parliament after 20 years' service as the last of the 'Playfords'—that generation of Liberal and Country League MPs elected while Sir Thomas was still the leader. In his final remarks to parliament before the 1985 election, Mr Rodda said that he was not so much retiring but going straight off to action in another capacity. He remarked that, when he really retired, we would be saying sad things about him, and so today we are fulfilling that prediction.

On behalf of all members on this side of the council, I extend my condolences to Allan's surviving children, Bruce and Pauline, his grandchildren, family and friends.

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:21): I rise to make some comments in relation to the condolence motion for Mr William Allan Rodda. As the Leader of the Government said, he was born in Tumby Bay in the early part of last century and he did have distinguished service in the Air Force and bomber command. I was privileged to be at his funeral

recently where I learned a lot more about his very early days in Tumby Bay and certainly his distinguished service in bomber command. You often do not know much about the early life of people when you see them in their official capacity, and while I knew Allan Rodda as my local member, which I will touch on later, I knew nothing of his distinguished service during the Second World War.

Mr Rodda was very much in touch with issues in the South-East when he moved to take up a position, as the Leader of the Government said, coordinating the soldier settlement scheme. He particularly loved the South-East of South Australia and regarded it as having great productivity potential. He dedicated much of his maiden speech to professing the great opportunities that would arise from the agricultural industry in the South-East.

At the March 1965 election, he was elected to the seat of Victoria which, as the Leader of the Government indicated, we now know as MacKillop, and its boundaries by and large have not changed all that much over those many years. In 1968 and 1969 he was appointed parliamentary secretary to the premier and the government whip respectively. His first ministerial posting was in 1970 as the minister of works and minster of marine. However, they were short-lived as the Liberals lost government at the 1970 election.

It was not until 1979 that he had a three year opportunity to be the minister for fisheries and marine. Although that portfolio did not tend to be embroiled in controversy, Allan Rodda got his fair share of time in the limelight by virtue of his posting as chief secretary. He was responsible for the South Australian police throughout his time as chief secretary, and throughout that time there was a great deal of speculation about corruption within the police and the controversial beginnings of the South Australian random breath testing scheme.

One of Mr Rodda's legacies was his deliverance of a long-awaited piece of legislation in the Correctional Services Bill and, although he was criticised at the time because parts of the legislation reflected Labor policy, it exemplified Rodda's dedication to the wellbeing of South Australians rather than politics. Mr Rodda did not always make the most politically tactical decisions and admitted himself that he was not a 'cut and thrust' politician. In general, he did not have much time for sneaky tactics in politics. His health, family and friends were always his top priorities.

I remember Allan Rodda very fondly as my local member of parliament. In fact, he was at the very first branch meeting that I went to (the AGM of the Bordertown branch of the Liberal Party) and encouraged me to join the party, which of course I subsequently did.

I remember that, at the 1983 AGM of that particular branch, I was asked to stand for president. I said that I did not think it would be appropriate because I would shortly be going on a 10 month overseas trip to the United Kingdom. Mr Rodda said that he thought it would be quite appropriate, given that our branch met only once every 12 months and that I would be back well in time for the next AGM.

He said that I should be encouraged and supported by the branch to take on that position as we needed, in his words, good young people to take on this role. I guess some people might say that it is his fault that I am here today. Certainly, he was very well regarded in all the communities in the South-East. In particular, I remember my parents commenting on his wonderful capacity to remember people's names.

In the little town of Wolseley, which some of you would know and have visited and others have not—only a handful of people live there today—we had a community function called the Wolseley Carnival, which was held in November, and Allan Rodda and Martin Cameron probably took it in turns to attend. As a small boy, I do remember them coming to that community fair.

Allan Rodda would always remember people's names, and he greeted them in a friendly, warm and fond way. As I have said, my parents commented on how Allan Rodda never ever forgot someone's name. I think that is a mark of how the man embraced the South-East and all the communities and people he represented. He certainly took them to heart, and he served the South-East, in particular the electorate of MacKillop, with distinction.

I offer my condolences to his family—Bruce Rodda, who most of us within the party know well, his other children, his grandchildren and grandchildren. I am sure he will be sadly missed.

The Hon. J.S.L. DAWKINS (14:27): I wish to associate myself with the motion and with the comments of the Leader of the Government and the Leader of the Opposition, but I want to express a few personal thoughts in relation to Mr William Allan Rodda CBE.

As my colleagues have said, Mr Rodda spent 20 years in the other chamber. He served a very large segment of the South-East of this state, in the then seat of Victoria. His term of office in the parliament almost coincided with that of my father. They were great friends, and his late wife, Madge, was also a great companion of my mother.

I also remember him as a very positive gentleman, who was a great encourager of young whippersnappers like me at the time, who thought about going into politics. He encouraged me greatly when I was the chairman of the Liberal Party's Rural Council, as it was then, and also when I sought to gain preselection to come into this place.

I was privileged to attend Mr Rodda's funeral, and I noted on that day and prior to it the great respect paid by both the Metropolitan Fire Service and the United Firefighters Union in both the notices placed in the death notices and the placement of a fire unit outside Centennial Park Cemetery on the day of the funeral. I commend those bodies for that, because it has been some 28 years since Mr Rodda had responsibility for the Metropolitan Fire Service and for those employees who were in the UFU. So, for those bodies to remember him so fondly is something that stands him and his memory in very good stead.

I extend my sincere condolences to his son Bruce, who I had a lot to do with a number years ago. As my leader said, Bruce is well known to many people in the Liberal Party. I also extend my condolences to the rest of the Rodda family. I support the motion.

The Hon. R.I. LUCAS (14:30): I rise to support the motion. My first vague recollections of Mr Allan Rodda was as a younger person in Mount Gambier. Having been raised in Mount Gambier it was always strange—and it must have been the late 1960s, early 1970s—that we had a member for Victoria in South Australia. As someone who did not understand much about politics, I could not quite work it out.

I then met Allan during a period in the 1970s when I was working with the Liberal Party and Allan was in state parliament, and for a brief period of three years our parliamentary careers crossed over as he was concluding his career and I and other newer members such as Di Laidlaw and Peter Dunn were starting our careers in the Legislative Council.

Allan Rodda to everyone who knew him—and both leaders referred indirectly to this—in current parlance was not an adversarial politician. He was not someone who enjoyed the cut and thrust of politics. In all my time knowing him, it was hard to find anyone who did not like Allan Rodda as a person, even during the controversial years to which previous speakers have referred, in particular when it was getting intense in relation to the prisons policy and the correctional services policy and there were major issues in relation to the escape of prisoners and various other controversial aspects in his administration of that portfolio.

I know that members of the then Labor opposition who, while they went about their task as an opposition is required to do, never enjoyed the task of having to attack Allan Rodda. I should say there were more favourite targets of oppositions. In recent years both Liberal and Labor oppositions have relished getting their teeth into various ministers (if I can put it that way) but, in relation to Allan Rodda, I know from discussions with Labor members at the time that they did not enjoy the task of having to attack Allan Rodda in either the parliament or the public arena because he was a thoroughly decent, thoroughly likeable, hardworking politician and person, as the leaders have attested to in their earlier contributions.

As other Liberal members have highlighted, over the years I have had a bit to do with Bruce, his son, who was actively engaged in the Liberal Party organisation. I pass on my condolences to him and other members of the Rodda family. I am pleased in the public arena to acknowledge the work he undertook not only for the Liberal Party but also for the people of South Australia over many years.

The PRESIDENT (14:34): I also rise to support the motion. Being a South-East lad at heart, I knew Allan reasonably well although I knew Bruce a lot better. I had the privilege of a couple of interesting trips with Bruce a few years ago. I remember my father putting the highest praise on Allan Rodda that could be bestowed on someone from the Liberal Party. I remember dad saying that Allan Rodda was a 'damned good bloke for a Liberal'. That was high praise coming from my father. I agree with everything that speakers have had to say about Allan. Allan was known throughout the South-East as a good, all-round bloke, someone who would take on, and try to sort out, problems for people from all walks of life. He was highly regarded in the South-East, and he turned that seat, which was a very safe Liberal seat, into a safer one while he was there.

My condolences go to Bruce especially, his family, and Allan's extended family, especially the grandchildren.

Motion carried by members standing in their places in silence.

[Sitting suspended from 14:36 to 14:52]

MEMBERS' REGISTER OF INTERESTS

The PRESIDENT: I lay upon the table the register of statements of new members' interests 2010.

PAPERS

The following papers were laid on the table:

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

Reports, 2008-09—
- Adelaide Hills Wine Industry Fund, Barossa Wine Industry Fund, Clare Valley Wine Industry Fund, Langhorne Creek Wine Industry Fund, McLaren Vale Wine Industry Fund, Riverland Wine Industry Fund and South Australian Grape Growers Industry Fund
- Citrus Growers Fund
- Olive Industry Fund
- South Australian Apiary Industry Fund
- South Australian Cattle Industry Fund
- South Australian Deer Industry Fund
- South Australian Pig Industry Fund
- South Australian Sheep Industry Fund

Report and Determination of the Remuneration Tribunal—No. 3 of 2010—Travelling and Accommodation Allowances—Revised

Regulations under the following Acts—
- Associations Incorporation Act 1985—Fee Increases
- Authorised Betting Operations Act 2000—
- Bills of Sale Act 1886—Fee Increases
- Births, Deaths and Marriages Registration Act 1996—Fee Increases
- Branding of Pigs Act 1964—Fee Increases
- Brands Act 1933—Fee Increases
- Business Names Act 1996—Fee Increases
- Community Titles Act 1996—Fee Increases
- Co-operatives Act 1997—Fee Increases
- Coroners Act 2003—Fee Increases
- Cremation Act 2000—Fee Increases
- Criminal Law (Clamping, Impounding and Forfeiture of Vehicles Act 2007—Fee Increases
- Criminal Law (Sentencing) Act 1988—Fee Increases
- District Court Act 1991—Fee Increases
- Emergency Services Funding Act 1998—Remissions—Land
- Environment, Resources and Development Court Act 1993—Fee Increases
- Evidence Act 1929—Fee Increases
- Fees Regulation Act 1927—Public Trustee Administration Fees—Fee Increases
- Fire and Emergency Services Act 2005—Fee Increases
- Firearms Act 1977—Fee Increases
- Fisheries Management Act 2007—Fee Increases
- Gaming Machines Act 1992—Fee Increases
- Harbors and Navigation Act 1993—Fee Increases
- Hydroponics Industry Control Act 2009—Fee Increases
- Livestock Act 1997—Fee Increases
- Land Tax Act 1936—Fee Increases
- Lottery and Gaming Act 1936—Fee Increases
- Magistrates Court Act 1991—Fee Increases
- Mines and Works Inspection Act 1920—Fee Increases

Mining Act 1971—Fee Increases
Motor Vehicles Act 1959—
Expiation Fees—Fee Increases
Fees—Fee Increases
National Heavy Vehicles Registration Fees—Fee Increases
Reduction of Fees—Temporary Configuration Certificates
Opal Mining Act 1995—Fee Increases
Passenger Transport Act 1994—Fee Increases
Partnership Act 1891—Fee Increases
Petroleum and Geothermal Energy Act 2000—Fee Increases
Petroleum Products Regulation Act 1995—Fee Increases
Petroleum (Submerged Lands) Act 1982—Fee Increases
Primary Produce (Food Safety Schemes) Act 2004—
Citrus Industry—Fee Increases
Meat Industry—Fee Increases
Public Corporations Act 1993—
Distribution Lessor Corporation
Generation Lessor Corporation
Transmission Lessor Corporation
Public Trustee Act 1995—Fee Increases
Real Property Act 1886—Fee Increases
Registration of Deeds Act 1935—Fee Increases
Roads (Opening and Closing) Act 1991—Fee Increases
Road Traffic Act 1961—
Approved Road Transport Compliance Schemes—Fee Increases
Heavy Vehicle Driver Fatigue—Fee Increases
Intelligent Access Program—Interpretation
Miscellaneous—
Expiation Fees—Fee Increases
Fees—Fee Increases
Traffic Experiment Road Trains
Security and Investigation Agents Act 1995—Fee Increases
Sexual Reassignment Act 1988—Fee Increases
Sherriff's Act 1978—Fee Increases
Strata Titles Act 1988—Fee Increases
Summary Offences Act 1953—Fee Increases
Supreme Court Act 1935—Fee Increases
Valuation of Land Act 1971—Fee Increases
Worker's Liens Act 1893—Fee Increases
Young Offenders Act 1993—Training Centre Review Board
Youth Court Act 1993—Fee Increases
Third Party Premiums Committee—Determination pursuant to the Motor Accident Commission Act 1992

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

Proposal to Construct New Health Care Facilities at Lot 300 Alexander Kelly Drive, Noarlunga Centre—Report
Statewide Bulky Goods Development Plan Amendment by the Minister—Report
Regulations under the following Acts—
Development Act 1993—Fee Increases

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

Regulations under the following Acts—
Dangerous Substances Act 1979—
Dangerous Goods Transport—Fee Increases
Fees—Fee Increases
Employment Agents Registration Act 1993—Fee Increases
Explosives Act 1936—
Fireworks—Fee Increases
Fees—Fee Increases

Security Sensitive Substances—Fee Increases
Fair Work Act 1994—Fee Increases
Occupational Health, Safety and Welfare Act 1986—Fee Increases
Rules under Acts—
Fair Work Act 1994—Industrial Proceedings Rules
Statutory Authorities Review Committee Report on Inquiry into the WorkCover Corporation of South Australia—South Australian Government Response—June 2010

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

Regulations under the following Acts—
Freedom of Information Act 1991—Fee Increases
State Records Act 1997—Fee Increases

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

Reports 2009—
National Environment Protection Council
The University of Adelaide—Part One: Annual Review
The University of Adelaide—Part Two: Financial Statements
Review of Yellabinna Regional Reserve—Report, 2000-10
Report of actions taken following Coronial Enquiry into the death of Mr Peter Ross Blunden on 25 October 2006
Regulations under the following Acts—
Adoption Act 1988—Fee Increases
Botanic Gardens and State Herbarium Act 1978—Fee Increases
Controlled Substances Act 1984—
Pesticides
Pesticides—Fee Increases
Poisons
Poisons—Fee Increases
Prescribed Professions
Crown Land Management Act 2009—Fee Increases
Environment Protection Act 1993—Fee Increases
Fees Regulation Act 1927—Assessment of Requirements—Water and Sewerage—Fee Increases
Heritage Places Act 1993—Fee Increases
Historic Shipwrecks Act 1981—Fee Increases
Housing Improvement Act 1940—Fee Increases
Local Government Act 1999—
Fee Increases
General—Local Government Sector Employers
National Parks and Wildlife Act 1972—
Hunting—Fee Increases
Wildlife—Fee Increases
Native Vegetation Act 1991—Fee Increases
Natural Resources Management Act 2004—
Financial Provisions Fee Increases
General—Fee Increases
Pastoral Land Management and Conservation Act 1989—Fee Increases
Private Parking Areas Act 1986—Fee Increases
Public and Environmental Health Act 1987—
Legionella—Fee Increases
Waste Control—Fee Increases
Radiation Protection and Control Act 1982—
Ionising Radiation—Fee Increases
Non-ionising Radiation—Fee Increases
Retirement Villages Act 1987—Fee Increases
Sewerage Act 1929—Fee Increases
South Australian Co-operative and Community Housing Act 1991—Housing Associations
Tobacco Products Regulation Act 1997—Fee Increases

Waterworks Act 1932—Fee Increases
By-laws under the Health Care Act 2008—
Central Northern Adelaide Health Service Incorporated
Children, Youth and Women's Health Service Incorporated
Country Health SA Hospital Incorporated
Southern Adelaide Health Service Incorporated
District Council By-Laws—
Wakefield—
No. 1—Permits and Penalties
No. 2—Local Government Land
No. 3—Roads
No. 4—Moveable Signs
No. 5—Dogs
No. 6—Bird Scaring Devices

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

Regulations under the following Acts—
Building Work Contractors Act 1995—Fee Increases
Conveyancers Act 1994—Fee Increases
Land Agents Act 1994—Fee Increases
Land and Business (Sale and Conveyancing) Act 1994—Fee Increases
Liquor Licensing Act 1997—Fee Increases
Plumbers, Gas Fitters and Electricians Act 1995—Fee Increases
Residential Tenancies Act 1995—Notice of Termination
Second-hand Vehicle Dealers Act 1995—Fee Increases
Travel Agents Act 1986—Fee Increases

ADELAIDE OVAL

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) (15:00): I table a copy of a ministerial statement made today by the Treasurer in relation to the Adelaide Oval redevelopment.

TIMOR-LESTE DELEGATION

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) (15:00): I table a copy of a ministerial statement made today by the Premier on the visit of the official Timor-Leste delegation to South Australia.

DON'T CROSS THE LINE

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) (15:01): I seek leave to make a brief ministerial statement about the Don't Cross the Line website.

Leave granted.

The Hon. G.E. GAGO: Members will be aware that on 14 October 2009 the Hon. Stephen Wade MLC asked me a question about whether the information used in the Don't Cross the Line website campaign was robust and effective. At that time, I acknowledged that there was research and data from a wide range of reputable sources and noted that there could be different interpretations of such data. I reported to the chamber that I was advised that data contained on the website was sound.

As members will know, Don't Cross the Line is a broad community education campaign to raise awareness of respectful relationships and provides information through a variety of media, including TV, radio ads and a website. I was advised that the website included some information and data derived from a number of reputable sources, including the Australian Bureau of Statistics, the Australian Institute of Criminology and the National Plan to Reduce Violence against Women and their Children.

However, as a result of continuing concerns by some individuals regarding the information on the website, the Office for Women asked the Office of Crime Statistics and Research in the Attorney-General's Department to review all the data on the website, including source documents. As a result of this, it was identified that there were some contextual and terminology concerns, as well as some transcribing errors which I am advised have now been rectified.

In order that there can be no doubt about the parliamentary record, and for the sake of clarity and transparency, I inform the chamber today that changes to the website have been undertaken. I also wish to inform the chamber that the state Ombudsman is conducting an investigation in response to a complaint regarding information that was contained on the website. However, I am advised that the Ombudsman's investigation is not yet complete. Obviously, it would be inappropriate for me to comment on matters that are still before the Ombudsman.

In closing, it is important that we do not forget that the underlying aim of the campaign is to educate young men and women about respectful relationships and about the difference between acceptable and abusive behaviour.

BURNSIDE COUNCIL

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) (15:03): I seek leave to make a brief ministerial statement regarding the independent investigation into the City of Burnside.

Leave granted.

The Hon. G.E. GAGO: I have recently received a letter from the investigator, Mr Ken MacPherson, providing me with an update on the status of his investigation. In that letter, Mr MacPherson advised me of his recent hospitalisation due to an illness and his expectation of a full recovery, including his return to work date of no later than 15 June.

Members would be aware that the investigator had previously been granted two extensions due, principally, to the wide terms of reference and the very large volume of material requiring examination, including information received late, which resulted in further work.

The priority for this government has been to ensure that the independent investigation is of the highest standard and that all matters pertaining to the terms of reference are properly examined and considered thoroughly. I was advised that sometime in December last year the investigator received additional information, which meant that some aspects of the investigation had to be reconsidered. I have also been advised that further new information was received by the investigator in February, which was also pertinent, requiring aspects of the investigation to be re-examined.

I have been informed that preparations for the natural justice component of the investigation are well advanced. Mr MacPherson has now informed me that, after contacting the individuals named in the report as part of the process, he envisages that a period of four to five weeks will be needed to complete that stage, and a further three weeks to finish his report. On that basis he expects to provide his report to me by mid to late August.

Mr MacPherson has indicated to me that, although this has been a far more lengthy and complex investigation than originally anticipated, every attempt has been made to expedite the process without compromising the investigation's integrity. Whilst this has taken far longer than anticipated, and this is frustrating for all concerned, I am very mindful of the important principle of independence needed in this investigation, and any attempt to circumvent proper processes would place the integrity of this investigation in jeopardy.

Given his letter outlining this time line, and his recent illness, I accept that further time is needed to complete this work. I can also update the chamber on the costs of the investigation. The expected cost to the end of this financial year is just under $800,000. This includes Mr MacPherson's services of approximately $340,000, based on a daily rate of $1,200; costs for other supporting staff in the vicinity of $350,000; and other materials and operating expenses in the vicinity of $110,000. On the basis of these estimates, the cost for the remaining two months of the investigation is likely to be in the vicinity of a further $150,000.

Members interjecting:

The PRESIDENT: Order!

QUESTION TIME

LEE, PROF. L.

The Hon. D.W. RIDGWAY (Leader of the Opposition) (15:12): I seek leave to make a brief explanation before asking the Minister for Urban Development and Planning a question about Professor Laura Lee.

Leave granted.

The Hon. D.W. RIDGWAY: Members will be well aware that, since the election, I have asked the minister a couple of questions regarding Professor Laura Lee and, in particular, in respect of her expertise and professional qualifications. He was unable to answer that question but then, by way of interjection, I reminded him, and in the last sitting week he provided the following response:

> Let me tell you: I am quite happy to do so. Laura Lee has extensive experience in a number of cities—minor little towns like Pittsburgh, Washington DC, Antwerp, Barcelona, Copenhagen, Rome and Gdansk! She has worked on an urban design program in Doha in Qatar and has also been involved with the oldest urban design program in the United States for some 20 years...I am told, 18 commercial-based programs of urban design in 18 cities and communities in the United States. So really, come on, let us stop this rubbish about trying to denigrate.

I thank the minister for his response. I thought the best way to deal with it was to put in an inquiry to the parliamentary library. It was done on my behalf by my PA, and it stated:

> On 26 May 2010, throughout his response to the first question in question time, Minister Holloway listed a number of cities worldwide, in which Professor Lee has done architectural work.
>
> David Ridgway would like a summary of the projects that she had worked on in each of these places. The summary need not be extensively detailed—just a brief description of the nature of work (whether practical or academic) and a time frame of when the work occurred.

I received a response from the library, which stated:

> My report is as attached. I have been able to identify Professor Lee's teaching positions and also times of private practice. However with regards to the latter, while it is possible to show when and where she was working in practice, I have not been able to identify specific commercial architectural projects.

We also note that the Premier's office has provided some information that Professor Laura Lee has asked for a delay in her appointment to this professional position. The opposition has also had it suggested that the appointment may be something of a six months on/six months off arrangement. My questions are:

1. Given that the parliamentary library cannot find any examples of Professor Lee's practical architectural work, does the minister still stand by his earlier statements that Professor Lee is the best person in the world for the job?

2. Can the minister clarify whether the position is a full-time position in Adelaide or a six months on/six months off arrangement?

3. Is the position, as the minister said on radio some weeks ago, still in the order of some $250,000?

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) (15:17): The answer to the first question is yes.

The Hon. D.W. Ridgway: Even though she has not done anything of any practical nature in the world.

The Hon. P. HOLLOWAY: The honourable member and his Liberal colleagues' vision for Adelaide is Dubbo with a car race. That is how they see Adelaide. That's what they think.

The Hon. D.W. Ridgway interjecting:

The Hon. P. HOLLOWAY: You should be ashamed of it! This person comes in here and denigrates—

The Hon. D.W. Ridgway: You're a disgrace!

The PRESIDENT: Order! The Hon. Mr Ridgway will sit there and listen to the answer.

The Hon. P. HOLLOWAY: What I think is disgraceful is the Leader of the Opposition in this place personally attacking in a completely scurrilous way, along with some of the newspapers in this town. If you don't want any international people—

An honourable member interjecting:

The Hon. P. HOLLOWAY: These people think they know everything. These people think that in their tiny little world, the small, little world they exist in, that that is where we should be, that that is the future of this city. It is all in their own narrow little minds.

Here we have a person of international repute chosen to be a Thinker in Residence in this state who has come in and, with great commitment to the state, put forward her views on integrated design—and that's what it is about. Although she is a professor of architecture, her expertise is on integrated design, which is actually linking up buildings and the spaces in between and what the city so badly needs. I think it is absolutely pathetic that we have an opposition within this state that can only denigrate international experts who come to this state to offer their expertise. They really have an incredibly stunted vision. You should be ashamed of yourselves!

The PRESIDENT: The Hon. Mr Ridgway has a supplementary question deriving from the answer.

LEE, PROF. L.

The Hon. D.W. RIDGWAY (Leader of the Opposition) (15:19): I ask the minister to clarify whether the position is a full-time position in Adelaide or a six months on/six months off type arrangement.

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) (15:19): My understanding is that negotiations were continuing in relation to that arrangement with Professor Lee. I believe the position was to be taken up from 1 July. I am not sure whether those details have been finalised, but I shall check for the honourable member. The way they are going we will be lucky to have anybody. You can easily turn people off. You can easily say that this is a little backwater here, when you have the opposition in this state just proving what insular narrow-minded bigots they are.

Really, why would anybody bother to come here? You people are on a par with some of those little outback places in the southern part of the United States. You have about as much vision as a rhinoceros in a snow storm. It is just incredible that they can be so dismissive. Just for cheap, grubby politics, they will attack the reputation of international people who come to this state. Really, do we in this city need to make a joke of these people? But that is what they are like. It is sad that South Australia has an opposition of this low calibre.

LEE, PROF. L.

The Hon. D.W. RIDGWAY (Leader of the Opposition) (15:21): I have a supplementary question. Is the position still in the order of $250,000 a year?

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): Something in that vicinity, as I indicated, would be the full-time salary. As I said, I will get the details.

LEE, PROF. L.

The Hon. T.J. STEPHENS (15:21): I have a supplementary question. Minister, given that this was an incredibly important position to fill, and now that Laura Lee cannot commit to it for 12 months a year, will you advertise worldwide and get a real worldwide expert who is prepared to commit for 12 months a year?

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) (15:22): I indicated that I would seek the information in relation to the current status of it, and that will obviously be part of the answer.

30-YEAR PLAN FOR GREATER ADELAIDE

The Hon. J.M.A. LENSINK (15:22): I seek leave to make an explanation before asking the Minister for Urban Development and Planning a question about the 30-Year Plan for Greater Adelaide.

Leave granted.

The Hon. J.M.A. LENSINK: In February last year, the Sustainability and Climate Change Division of DPC produced a report called 'Desktop Assessment of Climate Change Measures', which analyses current government policy and which allegedly has links to the government's Tackling Climate Change strategy. Within the report, it states the following:

> Plan for sustainable urban development that optimises previous investment in social and physical infrastructure, including existing public transport to accommodate the state government's population target of 2 million by 2050.

Furthermore, as minister, you issued a press release on 17 February relating to the 30-year plan, stating that one of its central principles is 'housing people in a greater mix of densities close to jobs, services and improved public transport links'.

Honourable members would be aware of the discussion that has been occurring in the media recently in relation to the Mount Barker DPA, and also proposed developments for Buckland Park and Aldinga Beach, which have been criticised for their lack of social and physical infrastructure, including lack of foresight into commercial and industrial zoning, appropriate roads, sewer networks and the fact that the residents clearly need to be car owners to have transport options. My question is: does the minister acknowledge that such development on our urban boundary is in direct contradiction to the government's own sustainable urban development policy?

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) (15:24): One of the key features of the 30-Year Plan for Greater Adelaide is to encourage development as much as we possibly can, to push the envelope as hard we can, to get people living in walkable communities along transport corridors.

The objectives of the 30-year plan are to utilise the significant investment in the electrification of our railways to ensure that we have that development along those transport corridors so that people will have the benefit of that. Unfortunately, not every new house that is built in this greater city over the next 30 years can be built along those corridors. However, we want as many as we possibly can along those corridors, and that will involve some challenge in relation to development plan amendments and the like to ensure that we get greater density along those corridors.

That is what one of the key objectives of the 30-year plan is all about. We want to move from a city that is now 50 per cent infill to one that is 70:30, where 70 per cent is within existing boundaries. That will be a challenge. I have said every time I have had a question in the last couple of years that it will be extremely difficult. I hope the honourable member and other members will support the difficult decisions that will need to be taken to ensure that we get greater density within our existing city because, if we do not do that, we will have much greater urban sprawl. They are our choices: we have greater density within the current boundary or we have sprawl or, I suppose, a third alternative is that we do not grow at all.

What this government is seeking to do through the 30-year plan is to ensure that we utilise the significant investment in our transport infrastructure, which tends to be along corridors that are due for urban renewal. A lot of them are degraded industrial sites. They are right for regeneration over the coming decades, and that gives us an opportunity that most other cities in the country do not have.

I have talked to planners elsewhere about the problems that Sydney, Melbourne, Brisbane and Perth face, and they do not have the opportunities that we have to get development in existing corridors. Invariably, when we do seek to get growth near transport corridors we get complaints, including some from members opposite. For example, at Cheltenham we can get people living in reasonable levels of density close to a viable transport corridor—and one which will improve.

In relation to climate change generally, I would think that given what happened in the federal parliament late last year members of the Liberal Party would be quiet on the subject of climate change.

30-YEAR PLAN FOR GREATER ADELAIDE

The Hon. J.M.A. LENSINK (15:27): I have a supplementary question. Will the minister outline what transport corridors Mount Barker and Buckland Park are located along?

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) (15:27): As I have said, not every one of those developments is along a transport corridor. In fact, it was made clear in the 30-year plan. For example, in relation to Mount Barker the maps indicate that one of the options we are considering is a special bus lane along the freeway to service that area.

In relation to Buckland Park, if members look at the maps in the 30-year plan they will see that it will take 10 to 25 years for the suburb to grow. It would be silly to build rail infrastructure, for example, to a suburb that is presently just open paddocks. Clearly, that will come as the suburb grows. When Governor Hindmarsh landed in Adelaide not all the infrastructure in Adelaide was in place. That is the way things happen. These suburbs grow progressively.

What we are doing for the first time in planning is saying that we will plan 30 years ahead and look at what the requirements will be so it will be a much more orderly process, rather than just letting it evolve in an ad hoc manner, as has been done to date. We are considering what the key infrastructure issues will be and how we can build those into the plan. That has not been done in the past—it should have been—but it will be done in the future. If one looks at the transport options, they are set out within the 30-year plan.

30-YEAR PLAN FOR GREATER ADELAIDE

The Hon. J.M.A. LENSINK (15:28): I have a supplementary question. Is the minister aware of a time frame for the Bald Hills Road interchange upgrade?

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) (15:28): The government would plan to link key infrastructure such as that to progress in the development. We will set trigger points—and we have given that undertaking to the council. I have made public statements in relation to that. There will be trigger points, and they are now the subject of negotiation between the government and the council.

MINDA INCORPORATED

The Hon. S.G. WADE (15:29): I seek leave to make a brief explanation before asking the Minister for Urban Development and Planning a question about the Minda redevelopment.

Leave granted.

The Hon. S.G. WADE: On ABC radio this morning, disability advocate David Holst said:

> This government did a detailed coastal development summary survey and plan of the Minda dunes three or four years ago…Minda has then taken that report, taken this government's work, and they've developed this staged plan to try to ensure their long-term future and the long-term care for these disabled people...Minda is not building inside this coastal protection zone which was doubled as part of that plan.
>
> The building plan is currently being reviewed and things can only be adjusted slightly but fundamentally the building plan has been put together on the rules this Government set down.

In response, Ms Fox the member for Bright said:

> I had some constituents come to me, saying that they were very worried about the secondary dunes...An undertaking was given by Minda to the council and indeed reported by the council in 2006 that they weren't going to build on those dunes.

The compere Mr Bevan then said:

> ...but wouldn't it have been a good idea to just put it in the law…if you think this land is so precious, it should be preserved forever...?

The member for Bright responded:

> Minda's a very august organisation, so I guessed we took them at their word.

Mr Bevan asked:

> …but if you think it's really important, then make it absolutely clear, you can't build there.

The member for Bright then responded:

> Well it's certainly revisiting now that all of this is happening.

My questions are:

1. In finalising the North Brighton coastal plan amendment in 2006, did the minister base any part of his decision on any commitments given by Minda to not build on part of the land beyond the coastal protection zone?

2. Can the minister confirm (as apparently suggested by the member for Bright this morning) that the government is revisiting the development plan for the Minda land on the basis of a breach of a commitment?

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) (15:31): In relation to the latter question, as I understand it—and I did answer a question on this subject from, I think, the Hon. Mark Parnell earlier in this parliament—the matter still rests with Minda. Minda put out a proposal for how they intended to develop the future of their site to enable them to refurbish some of their infrastructure and to pay for the services that they provide for the disabled community.

As far as I am aware, that is where it still rests. I am certainly not aware that it has gone beyond that to the point of Minda finalising their position. Certainly, I have not seen any statements that Minda has finalised that. As I indicated in an answer to the Hon. Mark Parnell, I think the chair and the acting CE of Minda did give me the courtesy of informing me of their plans in relation to the future of that Minda development at that time. They indicated they were going through that process and we simply await the outcome.

In relation to what happened in 2006, clearly, some negotiations were held between the department and Minda. They might well have had discussions with the member for Bright, after all, she is the local member for that area. I am sure she has much closer contact with Minda than I would as the minister. I am not sure what undertakings might have been given to her at any meetings. In relation to that particular plan, it was negotiated by the then chief executive, from memory, of Planning SA. What was put forward in relation to the coastal zone was to protect the primary dunes. I certainly was not aware of any implications for the so-called secondary dunes. This appears to have come out later.

Certainly, my motivation in pushing that plan—and I did push that development plan strongly—was so that we could protect that dune system, because it is one of the last remaining dune systems within the state. Clearly, at some point, the land belongs to Minda Home. If it had been any other private developer, the owner of that land would be able to challenge development decisions in the Environment, Resources and Development Court, and if it is compliant with the development plan for the area, presumably that would be accepted. That would be the normal course of events. Clearly, there are special factors in relation to this particular site, which I am not overly familiar with, but as to whether or not this proposed site is on secondary dunes or to what extent they have been built on—I understand there are some buildings in the vicinity—is a matter for Minda to determine and that is where the matter rests at this stage.

Minda are determining what the future of that proposal will be and once they make a decision they will then let everyone, including myself, know in which direction they intend to move. In relation to the member for Bright, she is entitled to represent the views of her constituents. Similarly, I am sure the member for Bright—and I saw the transcripts of her comments this morning—also indicated that she has great support for Minda, as would every member of this house, in relation to the work they do, but clearly this is one of the complex planning issues that will just have to be worked through.

MOUNT BARKER DEVELOPMENT PLAN AMENDMENT

The Hon. R.P. WORTLEY (15:36): I seek leave to make a brief explanation before asking the Minister for Urban Development and Planning a question regarding the District Council of Mount Barker.

Leave granted.

The Hon. R.P. WORTLEY: On Thursday 3 June I was pleased to represent the Hon. Mr Paul Holloway at the official opening of the Mount Barker Laratinga linear trail extension, which was made possible by a generous grant from the Planning and Development Fund Open

Space program. I am pleased to report that the elected officials I met, including mayor Ann Ferguson and senior staff of the District Council of Mount Barker, advised me that they are most grateful for the very generous financial support provided by the state government to help fund the Laratinga linear trail extension. I am also pleased to report to this place that the elected officials and senior staff I spoke to from the district council were also generally supportive of the state government's initiated—

The Hon. R.L. Brokenshire: This is a ministerial statement.

The Hon. R.P. WORTLEY: Do I get protection? Do I need to start again? It is a very important question this one.

The PRESIDENT: I did not notice the chamber complaining when the Hon. Mr Ridgway was longwinded. The Hon. Mr Wortley.

The Hon. R.P. WORTLEY: I am also pleased to report to this place that elected officials and senior staff I spoke to from the district council were also generally supportive of the state government-initiated Mount Barker development plan amendment, which will provide for the responsible planning of housing, employment and open space, with future population growth in the Mount Barker region. Will the minister advise the chamber of the government's proposal as part of the 30-Year Plan for Greater Adelaide to ensure that future growth in Mount Barker will provide for responsible planning, housing affordability and economic growth?

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) (15:38): The release of the 30-Year Plan for Greater Adelaide has provided a responsible planning road map for the expected steady population growth in the region, a plan that provides for housing, employment opportunities, economic growth, open space and environmental protection, restoration and enhancement. The 30-Year Plan for Greater Adelaide provides a planning blueprint for steady population growth of 560,000 people, the construction of 258,000 additional homes, economic growth of $127.7 billion and the creation of 282,000 jobs.

The proposed Mount Barker development plan amendment is one of a number of initiatives that will assist the government to achieve the objectives set down in the 30-Year Plan for Greater Adelaide. For more than a year now the Department of Planning and Local Government has been working closely with the District Council of Mount Barker, state government agencies and landowners to draft a ministerial development plan amendment to guide growth opportunities for the township. Ever since the opening of the Heysen tunnels reduced the driving time to Adelaide, Mount Barker has been a magnet for new residents seeking to enjoy the unique lifestyle offered by the Adelaide Hills.

Given the continued demand for housing in the district, it was not surprising that the government would consider Mount Barker's potential to accommodate additional growth as part of the draft 30-Year Plan for Greater Adelaide. This draft was released for two months of public consultation between July and September last year, allowing the government to use feedback from the community to finetune the final 30-year plan.

The 30-Year Plan for Greater Adelaide was released in February this year, identifying indicative areas of land to be targeted for further urban growth, taking into consideration the concerns raised by the Mount Barker council and the local community. The areas being proposed for rezoning in the draft DPA are the result of further discussion and investigation. These areas seek to ensure that targets from the 30-Year Plan for Greater Adelaide can be achieved, while still contributing to compact and cohesive town expansion. These guidelines seek to replace the ad hoc development that has occurred in and around Mount Barker during the past 30 years, contributing to many of the concerns that are currently being raised by the community.

This proposed rezoning of land in the District Council of Mount Barker will be a guide to development not just for housing but also for a range of uses such as open space and recreation, community services, retail business and industry. As much as possible, the rezoning is integrated into the adjacent urban areas of the Mount Barker and Nairne townships. About 45 hectares of mainly rural land to the south-west of Nairne as well as 1,265 hectares to the south and west of the existing Mount Barker township are to be rezoned as part of the development plan amendment.

While antidevelopment groups seem to be convinced that somehow this is some of the best agricultural land in the state (which might be a surprise to farmers in the Mid North and the

South-East), much of the land is currently being used for hobby farms and agistment. Worthy as hobby farms might be to the lifestyle of tree-changers, they are hardly the productive agricultural pursuits likely to be flooding the local economy with potential export earnings, as some would suggest.

Having said that, the District Council of Mount Barker's objective to protect the hills environment, including the retention of native vegetation and natural creek lines, forms part of the requirements proposed for the new growth area. At its heart, the DPA provides for the development of at least 7,000 new homes, of which 15 per cent must meet affordable housing criteria.

It is important to point out that this is a modest increase in population compared with the previous decade, when the number of residents of the District Council of Mount Barker grew at an annual average of almost 2.9 per cent. Even if the Mount Barker council area absorbs all of the growth anticipated in the Adelaide Hills region during the life of the 30-year plan—and I assure the council that that is not our expectation—the average annual growth rate would be just 1.4 per cent; half the pace of the previous decade of ad hoc development.

The difference is that the future growth for the area will be accommodated in a more planned and strategic manner, through the development plan amendment, so as to avoid the perceived problems created by the unplanned surge in growth in the community of the past decade. This development plan for the Mount Barker region also allows for:

- current development controls for the affected areas to support a range of primary production activities (most of these areas are not envisaged for urban development);
- bushfire protection area data to reflect the change in land use whilst ensuring that bushfire risk matters are considered during the assessment of development proposals; and
- restrictions on development at Bald Hills Road to potentially allow possible future freeway access.

Rezoning this area will also allow for a wide variety of housing—from houses on a single block to townhouses, for example—to be developed in the new growth areas, as well as the existing residential areas of Mount Barker and Nairne.

Consolidation and changes of policies within the existing township centre will also accommodate higher density development. The structure plan for the area will also guide the development of employment opportunities, industry and economic growth and also the provision of infrastructure and services.

I come to the point I just made in answering the previous question from the Hon. Michelle Lensink. Negotiations to determine key infrastructure, such as the second freeway exit, and the trigger points that will lead to their construction are being conducted in parallel with the draft development plan amendment process. These key projects and the level of development within Mount Barker required to trigger their construction are not part of the draft but will be incorporated into the final DPA.

I am delighted that the Hon. Mr Wortley received such encouraging assessments of the DPA during his visit to Mount Barker to attend the opening of the Laratinga Wetland Trail, and I thank him for doing so. I say to anyone who wishes to go to Mount Barker that they should have a look at the Laratinga wetlands. It is certainly a credit to the work that has been done in that area over many years.

The rezoning process proposal is the beginning of a long-term strategic vision for the region that will not be realised for many years, but it is important that we begin now to achieve our aims. Sensible planning requires identifying now where growth should occur and where important things such as schools, roads and open space are best located. Importantly, the development plan amendment provides a springboard for focused discussions on how infrastructure can be provided to support future development now that a detailed proposal has been documented.

I appreciate that the community might want more detailed information at this stage, but they should not be led to believe that the development plan amendment is anything more than it is. It is not the end of the planning process, but it is a very important step along the way.

I encourage members of the public, industry and community associations, government agencies, local councils and all interested parties to lodge their submissions on the development plan amendment as part of the ongoing consultation process. Submissions can be lodged up until

5pm on Wednesday 4 August. The community consultation period concludes with a public meeting to be held in the district at which people will be able to speak to their submissions.

CONSTRUCTION INDUSTRY TRAINING FUND

The Hon. D.G.E. HOOD (15:45): I seek leave to make a brief explanation before asking the Minister for Urban Development and Planning a question about the Construction Industry Training Fund.

Leave granted.

The Hon. D.G.E. HOOD: The Construction Industry Training Board (CITB) was established under the South Australian Construction Industry Training Fund Act 1993 to implement training programs across all three sectors of the building and construction industry: housing, commercial and civil. The CITB levy, which is a compulsory levy collected by the board, is a quarter of 1 per cent of the estimated value of building and construction projects over the value of $15,000 (including GST) in South Australia. The levy is used primarily to subsidise the training of workers in the building and construction industry—apprentices, typically.

My conversations with a number of leading builders in the industry have indicated to me that many companies are very unhappy with the way that the Construction Industry Training Fund operates and that they would like the option of directly investing in apprentices and alternative training programs; that is, those in the building and construction industry would prefer the option of sending their CITF levies directly into prevocational or group apprenticeship schemes, rather than being forced to direct their training investments to the CITB, which is currently operating as a monopoly in the construction training field and, according to many, is not directing funds where they are needed most. My questions are:

1. Does the minister acknowledge that the trade situation is in fact worse today than it was in 1993, when the CITF was introduced, and that the rate at which the industry is losing skilled tradespeople greatly exceeds the rate at which new entrants are being recruited and trained and therefore that the CITB has actually failed to meet its primary objectives set many years ago?

2. Does the minister acknowledge that the unavailability of trained tradespeople is leading to increased costs and longer times to build, which is directly affecting housing affordability in South Australia?

3. Does the minister accept that those closest to the action—that is, the senior builders themselves—are in fact in the best position to determine what the most pressing training needs are and therefore should be able to decide whether to direct their training levies to the central fund for distribution or directly into entry-level training schemes and apprenticeships themselves?

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) (15:47): I would have thought that through the Construction Industry Training Fund those large builders would be able have their point of view put in relation to the direction of the training.

With respect to the honourable member's question about whether I believe the fund has been successful, in the sense of whether there is now still a great shortage of tradespeople, there could be many reasons, including the ageing of the population, the current commonwealth works in construction, the Building the Education Revolution program, and other programs, which of course have significantly increased construction work to offset the impacts of the GFC, so there are a number of factors.

I would not claim to have enough intimate knowledge of the operation of the construction industry to be able to give an opinion on that particular matter, but I will seek the views of those who do and bring back an answer in relation to that matter and to the future of the fund. Again, I will take that part of the question on notice and have discussions with the relevant colleagues in another place as to the future of the fund.

TREADMILL SAFETY WARNINGS

The Hon. I.K. HUNTER (15:49): I seek leave to make a brief explanation before asking the Minister for Consumer Affairs an unfortunate question about treadmill safety warnings.

Leave granted.

The Hon. I.K. HUNTER: I must immediately declare to the chamber an interest in relation to my question, lest I be accused by members opposite, as is their wont, of misleading the council. Members will be able to instantly tell, with just a casual glance in my general direction, that I have a deep and abiding relationship with treadmills and other generic gym equipment. The relationship is being unkindly mumbled by those closest to me as more accurately described as 'antipathy'. Notwithstanding that, it was with great alarm that I heard reports of some new danger—or, more properly, potential danger—arising from having too close a personal relationship with such machinery.

To all my colleagues who eschew such a mechanical approach to fitness, it is still important, I believe, to be aware of all the hazards associated with keeping fit, especially those associated with moving machinery of that kind. Having declared my interest before the house I now ask the minister (and, minister, when you respond and you will, please be kind) if she will advise us as to what is being done to ensure that health-conscious consumers are mindful of safety when using these dark satanic treadmills.

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) (15:50): I thank the honourable member for his question and his interest in this most important issue. All I can do is offer him all encouragement. I know that members are always thinking of how they can stay trim, taut and terrific in the winter months. I know that, in particular, one of the honourable members opposite (the Hon. David Ridgway) has obviously been working very hard on his treadmill over the last number of weeks in terms of—

Members interjecting:

The Hon. G.E. GAGO: He is so trim we cannot actually see him! Nevertheless, one very easy way, obviously, where you do not even have to leave the house, is to jump on the treadie for a walk or a run. However, as easy as this seems people need to be aware that there can be dangers associated with it. Treadmills can be appealing to young people—moving objects often are—but they can be very dangerous. The injuries that can occur to children who are attempting to climb onto or touch a treadmill when it is operating can be quiet horrific, ranging from friction burns to serious cuts and abrasions to arms or fingers.

It is timely that the product safety officers from OCBA will be out and about over the next few weeks to remind traders of the importance of safety warnings on treadmills and to make sure that they comply with legislative requirements. Recently I received a report about an 11 year old boy who was hospitalised with very serious friction burns which were sustained after he was trapped between an operating treadmill and a wall.

In addition to reminding traders of their obligations, OCBA is also providing education and information to community groups (such as parents' and mothers' groups) and libraries. In recent times South Australia's OCBA has conducted a risk assessment of treadmill safety in response to concerns raised and has issued a public warning highlighting potential risks. New national safety regulations under the Trade Practices Act apply to all treadmills supplied in Australia from 1 December 2009. The regulations require traders to ensure that treadmills carry a prominent warning sign.

There are some simple tips that people can look out for when buying or using a treadmill and they include selecting a machine with protective covers to keep little fingers and hands away from the many moving parts; checking that the machine has a safety stop switch, to stop it quickly in the case of an accident; understanding how to operate the treadmill and learning about its safety features and functions; whenever possible using the treadmill in a room away from young children or using safety barriers to keep children away; if possible, storing the treadmill away from children; and, of course, keeping the treadmill unplugged from power when it is not in use. Obviously, that is the strategy the Hon. Ian Hunter uses—he has never plugged his in!

Anyone requiring further information about treadmill safety should contact OCBA, and there is also information supplied on the website.

GLENSIDE HOSPITAL REDEVELOPMENT

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) (15:54): I table a ministerial statement made by the Hon. John Hill in another place relating to the Glenside redevelopment update.

QUESTION TIME

NOVITA CHILDREN'S SERVICES

The Hon. K.L. VINCENT (15:54): I seek leave to make a brief explanation before asking the Minister for State/Local Government Relations, representing the Minister for Disability, a question about transitional arrangements for young people with disabilities at Novita Children's Services.

Leave granted.

The Hon. K.L. VINCENT: Last Friday I had the pleasure of visiting Novita Children's Services where I was given a tour of the Regency Park operations campus. I am a former client of Novita and recall the excellent services provided by the organisation, including special equipment and therapy services which assist people with disabilities to live more independently, the indoor pool which facilitates aquatic therapy for people with disabilities (both adults and children) and the toy and resource centre which holds specialised toys, books and software.

While Novita provides an excellent service, it is unfortunate that young people are effectively cut off from Novita at the age of 18 and are left to negotiate the disability services maze alone with very little support. Becoming an adult is, as we all know, daunting enough without the added burden of living with a disability, especially when the support of Novita is effectively taken away from you overnight.

I remember receiving a phone call from a lady from Disability SA when I turned 18 who said, 'Hello. My name is Denise and I will be your case manager. Let me know if you need any support. I will check back every few weeks and make sure you're doing okay.' I never heard from dear old Denise again.

Novita itself is strapped for cash and currently deriving 45 per cent of its income from fundraising and investment returns and simply does not have the resources to fund a transitional program or extend its services to young people over 18 years of age. My questions are:

1. What services or programs does the government provide to help young people with disabilities deal with the transition from childhood to adulthood?

2. Will the government provide additional funding for Novita to run a program to assist young people with this transition?

3. Will the government provide additional funding for Novita to extend its services to young adults between the ages of 18 and 22?

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 thank the honourable member for her important questions. I will refer them to the Minister for Families and Communities in another place and bring back a response.

WORKCOVER BOARD

The Hon. R.I. LUCAS (15:57): My question is directed to the Leader of the Government. Has the minister or any of his ministerial officers had any consultation with WorkCover Board member Mr Peter Malinauskas about possible new appointments to the WorkCover Board to replace any of the existing members of the WorkCover Board?

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) (15:57): I believe that the WorkCover Board expires sometime in September so, as the act requires, I will be having wide consultations with a number of people.

The Hon. R.I. Lucas interjecting:

The PRESIDENT: Order!

The Hon. P. HOLLOWAY: I am answering the question. As I understand it, there are a number of representatives and it is actually a requirement to consult with a number of key members of both industrial and union groups in relation to those appointments. I believe that is standard practice and of course it is required in relation to the act since, after all, there are

representatives of those groups who are required under the WorkCover Act. My understanding is that Mr Malinauskas, as the secretary of a key union, is of course a member of the board. However, his position, as I understand it, is not one that falls due later this year when a number of other memberships come due.

WORKCOVER BOARD

The Hon. R.I. LUCAS (15:58): As a supplementary question, why is the leader refusing to answer the question as to whether he has had consultations with Mr Malinauskas about the possible replacement of other WorkCover Board members? My question did not relate to his position.

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) (15:58): As I said, there has to be consultation. It is required. Whether a letter has been sent in relation to those things, that is required so—

The Hon. R.I. Lucas interjecting:

The Hon. P. HOLLOWAY: Well, I know how tricky the Hon. Rob Lucas is. This is the sort of thing he does. He asks these vague, general questions and then of course, when you are trying to respond, he interjects during the entire answer. It is quite deliberate. As I have indicated, there has been consultation as required with a number of union affiliates. Whether Mr Malinauskas has been a part of that is something that I would have to—

The Hon. R.I. Lucas: Can't you remember, either? Are you like Foley? You can't remember your meetings.

The PRESIDENT: Order!

The Hon. R.I. Lucas interjecting:

The Hon. P. HOLLOWAY: I am not going to put up with this sort of thing. Listen, sleazebag, if you've got something, go out there and say it. If you want to suggest impropriety, go out there and do it, but do not interject in this council when I am answering a question. This is the sort of tactic that this person is famous for. This is what these people opposite do. They ask you a question, and then they interject during the entire answer so that they can misrepresent what you say. Well, I'm not going to fall into that trap. If you are going to interject when I am answering a question, I won't answer your questions in future.

Members interjecting:

The PRESIDENT: Order! The minister has answered the question.

Members interjecting:

The PRESIDENT: Order! The minister should not respond to interjections that are out of order. The Hon. Mr Lucas has been in this place long enough to know that interjections are out of order, but he continues to interject. The minister should know that he continues to defy the standing orders of this place.

QUEEN'S BIRTHDAY HONOURS LIST

The Hon. CARMEL ZOLLO (16:01): My question is to the Minister Assisting the Premier in Public Sector Management. Will the minister provide details about honours bestowed on outstanding South Australian public servants in the last Queen's Birthday honours?

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) (16:01): I am delighted to inform members that three South Australians working within the state government have received a Public Service Medal as part of this year's Queen's Birthday honours.

These three public servants—Richard John Dennis, Vanessa Swan and Steven Riley—have each been recognised for their considerable contribution in shaping South Australia. These worthy recipients are all dedicated and tireless in their respective pursuits, and their work has had a tremendous impact on the people of our state. I congratulate them on receiving this honour, and I thank them for being an inspiration to all of us through their passion and hard work.

I am sure that many people in this place would be well aware of the work of Mr Dennis. Richard has served the parliaments of South Australia, through his work in the Office of Parliamentary Counsel, for more than 25 years. His medal acknowledges his outstanding public service in the area of statutory interpretation and legislative drafting. Richard was appointed as parliamentary counsel in 2006 and represents South Australia on the Parliamentary Counsel's Committee, which oversees the drafting across jurisdictional national schemes.

Richard oversaw the drafting of the Health Care Act in 2008, a significant piece of legislation triggering reform of South Australia's public health system. His impact on the legislative fabric of this state has been enormous. On behalf of everyone in this place, I am sure, we congratulate Richard on being awarded this medal. We greatly appreciate the contribution he has made.

As Director of Yarrow Place, Vanessa Swan has been at the forefront of much debate on sex offence law reform, as well as procedural and practice change. Vanessa's medal acknowledges her outstanding public service in providing support to victims of sexual assault and domestic violence. Her dedication to working for the protection of women who have been subjected to rape, sexual assault and violence has spanned many years. Vanessa's contribution has been at both state and national levels, where she has provided leadership and policy development and strived to improve service delivery to victims.

Vanessa contributed to the development of the 'Time for Action: The National Council's Plan for Australia to Reduce Violence against Women and their Children, 2009-21', a document that linked the sexual assault and domestic violence sectors for the first time. Vanessa has also been appointed to the Violence Against Women Advisory Group, which will oversee the implementation of this national plan.

Steven Riley's Public Service Medal recognises his outstanding public service in the arts, specifically in regard to the South Australian Museum. Since his appointment as General Manager of the South Australian Museum in 2000, Steven has transformed its business practices. During his tenure, the museum has experienced a 40 per cent increase in its visitor numbers, making it the second most visited museum in Australia. It is the top research museum in Australia, both in terms of research income and in research peer review publications. Steven has turned the South Australian Museum into a globally recognised institution of learning, fun and engagement. I trust that all members will join me in congratulating these three worthy recipients.

WATER RATES

The Hon. J.A. DARLEY (16:05): My question is to the Minister for State/Local Government Relations, representing the Minister for Water. In view of the substantial increases in the price of water set to take place on 1 July, does SA Water intend to inform customers of the increases either by way of a public education program or notices on accounts so that people will not be caught unaware by large bills? If so, could the minister provide details of what the education campaign will involve?

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) (16:05): I thank the honourable member for his important questions. I will refer them to the Minister for Water in another place and bring back a response.

WATER RATES

The Hon. T.J. STEPHENS (16:05): I seek leave to make a brief explanation before asking the Minister for State/Local Government Relations, representing the Minister for Water, a question about the impact of increased water rates on community sport.

Leave granted.

The Hon. T.J. STEPHENS: I have spoken recently with members of a number of sporting and community groups about their concerns that rising water prices are affecting sporting clubs. In the year 2009-10 water rates for sporting clubs using over 520 kilolitres were $2.26 a kilolitre. In the year 2010-11 the rates will be $2.98 a kilolitre. In real terms the cost of 10,000 kilolitres of water has gone from $22,600 in 2009-10 to a forecast of $29,800 in 2010-11.

This rise in rates could cripple community sporting clubs, in particular those clubs that have a strong focus on junior sport. Many clubs are concerned that the flow-on effect of increased residential rates has not been considered with regard to sporting clubs. My question is: given the

government has shown a distinct and continued lack of interest towards community sport, does the government concede that it must now act to support grassroots sporting activities and protect them from this burden of increased water rates?

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) (16:06): I thank the honourable member for his question. I will refer it to the Minister for Water in another place and bring back a response.

CONSUMER PROTECTION, REGIONAL MONITORING

The Hon. B.V. FINNIGAN (16:07): My question is to the Minister for Consumer Affairs. On 26 May the minister advised the chamber of a regional monitoring program to ensure rural consumers were getting a fair deal. Will the minister advise the chamber of the outcomes?

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) (16:07): I thank the honourable member for his question and interest in these matters. In the week commencing 24 May this year more than 200 traders were targeted in one of the biggest rural trade audits carried out along the West Coast. In a busy week of auditing, officers from OCBA visited towns including Port Lincoln, Coffin Bay, Smoky Bay, Elliston, Streaky Bay, Wudinna, Kimba, Port Pirie and other towns.

Over the week officers from OCBA visited more than 120 stores, including retailers, car dealers, builders, service stations and pubs, to ensure that they were operating under fair trade and product safety laws. In terms of fair trading laws, OCBA was checking warranty practices and lay-by terms. I am delighted to say that all stores were found to be complying with these obligations.

In relation to product safety inspections, I advise that OCBA officers examined 783 new and second-hand products to identify any safety concerns for consumers. This program was an enormous effort to ensure the safety of our consumers. It is pleasing to say that only minor breaches were detected. In relation to all the items checked and tested, only one pram was subject to further examination. I should say that the pram complied. Two trolley jacks were not displaying the required safety warning labels and these were removed from sale.

OCBA's trade measurement officers also scrutinised 172 measuring instruments such as petrol pumps, weighing scales, spirit measures, as well as examining 136 pre-packaged products. This monitoring resulted in several traders being found in breach, with written warnings being issued to traders, four of whom had unapproved measures of length, two spirit measures incorrectly used and one for incomplete labels on bags of firewood. Second-hand car dealers also came under the spotlight, with written warnings being issued to six second-hand car dealers and an auto-electrician is being further investigated by OCBA about alleged odometer adjustments.

While most traders are doing the right thing, unfortunately we have uncovered some unfair trading practices on the West Coast, which obviously we are taking a closer look at, but, on the whole, I am very pleased to say that West Coast residents can rest assured that they are getting a fair deal. The majority of traders were found to be complying with the law and selling products which were safe and correctly labelled, honouring their lay-by and warranty responsibilities, and selling accurate measures of goods. I take this opportunity to remind members that West Coast consumers can contact the local OCBA office at the Port Augusta office for information. Of course, there is always information available online.

REGIONAL SUBSIDIARIES

The Hon. J.S.L. DAWKINS (16:12): I seek leave to make a brief explanation before asking the Minister for State/Local Government Relations a question about regional subsidiaries under section 43 of the Local Government Act 1999.

Leave granted.

The Hon. J.S.L. DAWKINS: I understand that the minister has been developing regulations in relation to the amended Local Government Act 1999, which comes into effect on 1 July 2010 and which will impact on regional subsidiaries. I raised concerns about the audit requirements for regional subsidiaries in the committee stage of the bill on 1 December last year. I have since become aware that, as an example of these regional subsidiaries, the Murray and Mallee Local Government Association has an annual operating budget of approximately $110,000. It employs no staff; executive services are provided by a performance-based contract. It has no

fixed assets, the only assets being cash on hand. It has no long-term liabilities and it presents financial accounts to the Murray and Mallee Local Government Association member councils on a bimonthly basis and has its accounts audited annually by external auditors with local government experience. Finally, it does not raise funds from ratepayers or provide direct services to ratepayers.

I also understand that, in accordance with the provisions of the Local Government Act 1999, the MMLGA must undergo a charter review this calendar year involving a gazettal cost of approximately $6,000. I understand that was previously done for free. This represents an increase of 6 per cent in the annual budget. I am also of the understanding that the Office of State/Local Government Relations stipulated that an audit committee provision be included in a recent regional association charter review. My questions are:

1. Has the minister finalised regulations for the act which comes into effect on 1 July? If not, when will they be finalised?

2. Will the minister assure the council that the regulations will exempt regional subsidiaries under the act such as the MMLGA and five similar organisations from the requirement to establish an audit committee?

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) (16:14): The honourable member is correct in saying that this government has put in place a range of new legislation in relation to reforms in the local government sector and those reforms are about improving transparency and accountability in local government. We found that standards for audits and a range of other administrative matters had increased quite significantly throughout other levels of government and other organisations. However, the local government sector tended to be lagging behind in changing its standards to reflect what I believe the community has now come to expect from those organisations, particularly those organisations that derive fees from them in relation to rates in this case.

In terms of the regulations, I am advised that work has commenced. However, they have not been finalised as yet. They will be completed as soon as we can possibly get them done. In relation to some of the matters around the subsidiaries and audit requirements for some of these groups, I understand that my office has received some correspondence.

The Hon. J.S.L. Dawkins interjecting:

The Hon. G.E. GAGO: Yes; I am advised that the regulations have not been finalised, which is exactly what I have said already. Getting back to the question of subsidiaries, I have been advised that my office has received correspondence in respect of those matters and I have sought further advice in relation to that. I am sure the honourable member is not suggesting that we should not give the level of consideration to these regulations that they deserve. Some deal with quite complex matters and have significant implications for a wide range of different groups, and all those matters must be considered before the regulations are finalised, so we are being a very responsible government.

PLACE

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) (16:17): I table the June 2010 edition of *Place*, the official publication of the Australian Institute of Architects. This particular journal features an interview with Professor Laura Lee and explains in great detail from a body of our top architects in South Australia the integrated design. I table it for the edification and benefit of the opposition.

PAYROLL TAX (NEXUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 26 May 2010.)

The Hon. R.I. LUCAS (16:18): I rise on behalf of the Liberal Party to indicate support for the second reading of the Payroll Tax (Nexus) Amendment Bill. The bill has passed the House of Assembly. There was a brief but succinct debate that ensued between a number of Liberal members and the Treasurer. No new issues appeared to be raised as a result of that discussion, although a couple of questions were asked. Put simply, this bill has evidently been agreed between all the jurisdictions. The intention is to apply it retrospectively to 1 July 2009. Essentially it will change, in certain circumstances where payroll tax is paid in the jurisdiction where an employee

has their bank account, to where the employee resides or their principal place of residence. The circumstances where this will apply is where the employee is providing services across a number of jurisdictions, or at least more than one jurisdiction.

When we get into committee we will be able to tease out some of the details of the proposed changes and the way the current arrangements operate, but as best we can understand it, from the changes in the brief discussion the Treasurer had, there is no proposed change and there appears to be no problem with the circumstances where an employee is providing services in one jurisdiction during, I assume, the period of a month, given that payroll tax is paid on a monthly basis.

We are obviously talking about circumstances where one can now contemplate increasing numbers of people who work across state borders. With mining projects for example, it is quite common for people from Sydney or Melbourne to fly into the northern parts of South Australia to undertake work on a mining project. They may or may not be working across jurisdictions in a particular month.

It may well be that someone is working solely in South Australia in June 2010, even though they reside in Sydney. However, there may be circumstances where in June some work or services might be provided in South Australia and some in New South Wales. My understanding of the proposed changes is that we are talking about that particular set of circumstances and those particular employees.

The concerns that state tax officers or their equivalent have is that there may well be what they refer to as forum shopping; that is, employers and employees may get together and decide to make their wage payments and therefore pay their payroll tax in the jurisdiction that has the lowest rate of payroll tax, or the highest threshold, depending on the particular circumstances of the business involved and what might be advantageous for their tax purposes. So, all the jurisdictions have got together to try to stop what they see as forum shopping.

I respond to a question from the member for Davenport, who indicated that officers pointed out there had been one example of a problem. There was no committee stage in the House of Assembly, so I seek from the government and their officers more details on the particular example that had evidently been highlighted to the member for Davenport. We are asking not for the name of the company but for details of the example in terms of the specific problem, the possible extent of avoidable payroll tax involved and any other detail that might assist members in understanding the particular problem that the government and other jurisdictions are seeking to stamp out.

The member for Davenport indicated that the government evidently had not consulted with industry associations, and we congratulate him on undertaking that consultation. The result of the consultation was that the Motor Trade Association indicated that it supported the bill, that Business SA indicated that it supported the bill but that the Master Builders Association indicated that it opposed the legislation. The principal reason, as I understand from the member for Davenport's contribution, was the retrospective nature of the implementation of this proposal.

A further question I will put to the minister when he responds is: whilst we understand the government did not consult before, subsequent to the introduction of the legislation have any industry groups or industries contacted the government and expressed their concern about either the overall nature of the legislation or, indeed, any aspect of it?

In relation to consultation, it has certainly been my understanding and the practice of the former government and, at least until recent times, the practice of this current government, that when tax changes were made there was a consultative committee comprising tax professionals in South Australia—accountants and other finance related people. The exact name of the committee escapes me at the moment, but I think it is a joint committee in relation to taxation legislation that Treasury has always used to consult on proposed changes to tax legislation. It was a very sensible process.

On many occasions it was used successfully by the former government, and certainly by this government in previous years, to receive confidential informal advice, professional advice, prior to the introduction of legislation to the house. So my question specifically is: was that particular body, which I am sure the officers will know the name of, consulted, and if not, why not, and if they were consulted, were any concerns raised by that particular body in relation to the proposed legislation?

The member for Davenport sought written confirmation from the Treasurer in relation to what he thought might have been a changed definition for wages. My reading of the Treasurer's response is that he did not believe a written response was necessary, because he had taken advice and indicated that there had been no change to the definition and the practical impact of the wages section of the legislation. If that is the case, I would ask the minister to confirm that again on the record in this chamber during his response to the second reading.

With that, I indicate that the Liberal Party supports the second reading. We will reserve our position, obviously, in relation to the few brief answers to questions that we put to the minister, and as I said, when we get into the committee stage, there may well be one or two particular issues that we will seek to clarify in terms of both the current operation and the proposed different operation of the legislation.

Debate adjourned on motion of Hon. R.P. Wortley.

LAND TAX (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 27 May 2010.)

The Hon. D.G.E. HOOD (16:27): Family First intends to support this legislation. It is a valid step in the right direction. Members would be aware that the issue of land tax is something I have raised in this chamber on a number of occasions. In fact, on a quick count, I think it has been some 13 occasions to date, so it has been a consistent line of argument for not only me but our party in general. So this is a step in the right direction, and we are pleased to see the government acting on its promise.

It should be pointed out, of course, that Family First are not the only ones to raise this issue. The Hon. Mr Darley and a number of members of the opposition have raised the issue of land tax in this chamber on a number of occasions. I think the key thing that needs to be said with respect to this legislation is that it is a step in the right direction, but really it is a small step in the right direction. A substantial amount more can be done.

I am not so naive as not to understand the fact that governments face cost pressures and financial pressures with respect to balancing their budget on an ongoing basis, so any cut in taxation is to be applauded, but the bigger question I think for this government, and all governments indeed, is whether they need to be involved in all the things that governments involve themselves in these days, to which I would say, resoundingly, no.

It will not surprise members of this chamber to realise that the thrust of this bill is, in fact, warmly welcomed by Family First, in particular the relief that the bill grants to family investors, and small investors, if you like. However, as might be expected, we do have sincere reservations regarding the other aspects of the bill. In particular, we believe that more must be done for business owners and operators of small businesses, and indeed very large businesses as well, because ultimately we all pay for them.

Family First believes that high taxes, red tape and waste are operating as a brake in this country and in this state and that this bill is a small step in the right direction to correcting that. Unquestionably, South Australia's land tax system is the highest in the country, and it still will be after this legislation has passed.

Our land tax is currently levied at some 126 per cent above the national average, according to the Commonwealth Grants Commission. A business with assets resulting in an annual South Australian land tax liability of $35,381 would be paying only $5,560 in Western Australia. That is, our land tax rate is 536 per cent above the land tax rate in Western Australia in an equivalent scenario.

The Hon. R.P. Wortley: But they earn billions in mining.

The Hon. D.G.E. HOOD: They do earn lots of money through mining, that is true, but they are taxed much less, which is the point I am making. The Institute of Public Affairs, in its report entitled Bearing the Burden 2009, noted in its summary the following, 'South Australia imposes the highest land tax burdens on business in Australia.' Again, this is a step in the right direction but much more can and I believe should and will be done. Incidentally, after comparatively analysing each of the states' figures the report also notes the following, 'South Australia has the highest business taxes of the six Australian states.'

In 2002, when the current government came to office, the total land tax revenue figure was less than $145 million a year. Over the last eight years that figure has increased to some $561 million as the total tax take. That is an increase of 300 per cent in this one tax alone. Also, the number of land tax payers has almost trebled during this time, increasing from some 69,000 payers to approximately 188,000 payers. This bill will reduce that number and that is a good thing, as I say, but it will still not reduce the number to the figure that it was some eight years ago.

What are the implications for South Australia? Of course, many people will pay less land tax and a good portion of them will pay none at all—and that is a good thing, as I say. However, there are some people who say that it does not matter what our land tax rate is and that it is for business owners and property investors to worry about. However, the fact is that if you live in South Australia you pay for land tax either way—as you do in any other state, to be fair.

If you rent in South Australia you pay land tax because it is factored into the rent. It hits you if you are a self-funded retiree, if you rent a flat or if you lease a shop. If you buy something from a shop in South Australia the land tax overhead is factored into your purchase—as it is, of course, everywhere else. The implication is that the higher the land tax the more you pay and the greater the effect on everyone. South Australians, to be blunt, are paying too much.

I will take a moment to mention the Fair Land Tax Party which campaigned during the state election. It ran a very well-funded campaign, but the success of the campaign is somewhat questionable. In fact, to be frank, I was surprised that it did not attract more support than it did. However, it is significant to note that such a party even exists, that substantial funding is available to it and what that says about the level of passion in the community.

This was a party which Family First was happy to preference. We preferenced it in our top third, if you like, which indicates our thinking on these matters. In one advertisement, Mr Kargiotis noted that as at January this year South Australia had some 533,200 full-time jobs, which is the highest level we have ever had, as I understand it. However, land tax from those 533,000-odd people brings in some $416 million a year more than it did back in 2002. Spread across the 533,000 full-time workers that means that, if you do the maths, quite simply each full-time worker is paying approximately $780.19 per annum in land tax indirectly or about $15 a week—and, of course, that is just the increase. So, this is just one tax item that this bill touches. Of course, there are many more.

I find these figures enlightening because they mean that over the last eight years we have actually seen very substantial tax increases in this regard and it has reached the point where the community has had enough. Again, this bill is a step in the right direction, but I believe it is only a small step in the right direction and substantially more must be done.

One important question and, indeed, I think the crucial question that this government will have to answer relates to the value for money with respect to this taxation revenue and what happens with it. As I understand it, the total budget that the government has to work with has approximately doubled since 2002.

The government—and I noted this most particularly during the election debates earlier in the year—will make regular reference to the extra funds that have been put into police, teachers or hospitals and, to some degree, I think taxpayers would gratefully pay an extra $780 per year (directly or indirectly as it may be with land tax) if these services were dramatically improving and were substantially noticeable.

Spending money is easy—anyone can spend money—but getting value for money is difficult for any government, whatever shape that government may take. However, the public of South Australia and, indeed, other states and our nation have a right to expect that when governments spend money, whatever government it may be, it does so after having sought to get the best possible value for that money under all circumstances.

The trouble with waste is that we need to pay for it through higher taxes. Our high business tax regime puts us at risk of our businesses packing up shop and moving to places where the grass is greener. I am sure nobody in this chamber wants that.

I will just reflect for a moment on a previous situation in South Australia when Tom Playford was premier. He is someone who saw the results of a very low tax regime. At that time we had some of the lowest taxes and, indeed, in some individual cases we had the lowest taxes in Australia. He slashed business taxes, red tape and the like and made South Australia

unquestionably the lowest taxed and simplest place to set up business in the commonwealth. That was reported in a number of news sites that I was able to access.

Let us not forget the results of his drive towards low taxes and business focus policy. What did these low taxes bring us? By the time he left office, South Australia's population and economy had doubled. The personal wealth of South Australians was second only to Victoria, and 29 per cent of immigrants to this country from Britain were coming to South Australia. Twenty-five years ago South Australia was home to 21 of Australia's top 100 companies. Now, in 2010, we are home to just two of Australia's top 100 companies, and they are Argo and Santos.

There is a social element to this too, of course. Just over a decade ago, about seven in 100 people lived below the poverty line in South Australia; recent figures now put that closer to 12 out of every 100 people. Taxes play a role in all these areas. I think we lose sight of the fact that higher taxes, whilst in some sense it is argued they are necessary to fund services, actually have a negative social impact as well, in that they create higher prices and therefore higher levels of poverty.

The facts are that since 2002 the take from land tax has increased by 301 per cent, stamp duty by 92 per cent, payroll tax by 50 per cent and motor vehicle taxes by some 39 per cent. Businesses are not stupid. They note these issues, and they simply decide to set up shop somewhere else. The fact that we had 21 of the top 100 companies and now have two is testimony to that. They do move to places like Western Australia, which currently has the lowest business tax rates in Australia, including the lowest land tax rate.

The Hon. R.P. Wortley interjecting:

The Hon. D.G.E. HOOD: Sure, there are other issues. I do not want to oversimplify it, and they are valid points. It is of no surprise that Western Australia also regularly tops the CommSec list of economic rankings of all Australian states.

Looking at this bill, it does several positive things, as I said at the outset—and it needs to be acknowledged that these things are not easy for the government—and addresses some of the concerns that I have had. Some 13 times I have raised those issues in this chamber as has the Hon. Mr Darley and a number of members of the opposition. It helps, I think most importantly, the mum-and-dad type investors in our community, who certainly deserve and require all the help they can get, so let's not be too negative about the implications of this bill. It is indeed, as I say, a step in the right direction.

The land tax free threshold has increased from $110,000 to $300,000 with a subsequent land tax bracket adjusted to between $300,001 to $550,000 and set at half of 1 per cent. The top band of the following bracket is increased from $750,000 to $800,000. Further, all thresholds from 2011-12 will be indexed by the average movement in land values to address bracket creep.

That is an excellent initiative, and something I have argued for on occasions in this chamber. I see no reason why all taxes should not be indexed so as to eliminate bracket creep. Those changes will benefit many mum-and-dad investors and small business owners. The latest figure, as we were told during our briefing on this bill, is that some 72,000 taxpayers will now be completely exempt from paying land tax—again, a step in the right direction.

Aged-care facilities and some other healthcare providers are also now exempt, bringing the regime in place for nursing homes into line with the exemptions granted interstate—a good move. There will also be an exemption if a principal place of residence is destroyed. These are good things, with a decrease in the tax take of some $54 million.

As I said, those changes are good things. However, this bill only provides negligible relief when it comes to larger commercial properties, and I see this as the next area of reform in land tax. Remember that when we are talking about commercial properties valued above $5 million, which includes virtually all shopping centre developments and similarly sized ventures, South Australian land tax rates are approximately twice as high as the next highest taxing state.

On a $5 million commercial property, a business in South Australia pays around $170,000 in land tax per year. A business in the next highest taxing state (I am not picking the lowest figure but the next highest taxing state) pays around $90,000—some $80,000 less for the same property value.

In a very large development valued at, say, $20 million, a business here would pay around $710,000 in land tax, while the second highest taxing state is charging around only $400,000 in

taxes. These are very substantial differences, and I think this is clearly the next area for reform for the government to take note of and tackle. Remember that the cost of doing business, these overheads, flow to everyday South Australians in terms of increased prices and, ultimately, lost jobs.

The Hon. R.P. Wortley: And they provide hospitals and schools and that sort of thing.

The Hon. D.G.E. HOOD: Yes, they do, but they have hospitals and schools in other states too, Russ, as you well know. I have letters on file from investors and businesses that say, 'We are no longer looking at South Australia,' and in fact one letter says they have decided to pull out of South Australia for these reasons. These are very serious issues.

One example that stands out to me happened late last year, when one constituent contacted me to complain about an outrageous land tax bill. Last financial year, that business owner paid $44,938 in land tax. This year, given an increase in land value, and given the way the tax is calculated, that constituent's bill went up $144,500 in one year—an increase of almost $100,000 in just one year or, to put it in percentage terms, something like 200 per cent. He cannot pay this, he has indicated to me, and said that he will probably have to lay off a staff member to pay the tax bill. This is a real case and shows how hard these things can hit.

My adviser asked Treasury officials last week why our land tax rates were high compared with other states when it came to larger commercial properties in particular and why this bill was not addressing this obvious disparity in our tax rates compared with interstate rates. The answer Family First was given was frankly astounding.

We were told that it did not matter that our tax rate was high because the market would simply factor in the higher taxes by reducing the value of our land. We were referred to the writings of an economist called Henry George. I have an honours degree in economics and I had never heard that name, but that was the name that was given to me to back up this argument. It turns out that Henry George was an American economist from the 1800s.

The Hon. R.I. Lucas interjecting:

The Hon. D.G.E. HOOD: Okay. It turns out that Henry George was an American economist from the 1800s who thought that land should be shared by society rather than owned by individuals. One tactic he thought could be used to achieve this end was the imposition of very high land taxes, which would actually decrease the value of land for individuals. I must say that I find it astonishing that we are referring now to a marginalised economic thinker from the 1800s to back up our high land tax situation.

In Family First's view, it is time to more comprehensively dismantle the onerous land tax regime that has been difficult for South Australian businesses for too long. South Australia was the first Australian state to introduce land tax in 1884 and is now very substantially the highest land taxing state without question. This needs to change.

I state again that this is a good move. I do not intend to focus on the negatives too strongly because I give credit where credit is due. This is a step in the right direction, but clearly much more should be done. South Australian business wants change. South Australian business deserves change. We will certainly support this bill because it is a step in the right direction, but there is really so much more to be done in this area, and we call on the government to take on this challenge as the next step in reducing taxes on South Australian businesses and families in particular.

The Hon. J.A. DARLEY (16:45): I rise to speak on the Land Tax (Miscellaneous) Amendment Bill 2010. As many members would be aware, as a former valuer-general, I have a particular interest in property-based taxation and have been actively campaigning for land tax reform for many years.

Whilst I support this small step to improve the land tax situation for many taxpayers, I do not believe the current bill goes far enough in terms of reforming land tax within the state. There are two fundamental problems with land tax. The first problem is that, other than a minor change in 2005, the scale of rates used to calculate land tax has not changed for 20 years, yet valuations have increased significantly, resulting in sharp increases in land tax liability.

The second problem is that the taxpayer base is very small; that is, we have a very small taxpayer base, which is burdened with paying the full contribution of land tax to the state. This problem was exacerbated by the Dunstan Labor government exempting primary production

properties in the mid-1970s and by the Tonkin Liberal government exempting the principal place of residence from land tax in 1980.

Many people believe that another factor compounding the land tax problem is the issue of aggregation. Whilst there is no doubt that many taxpayers have experienced a significant increase in their land tax liability, aggregation has always been incorporated in the Land Tax Act to give regard to the basic principle of taxation, which is 'the more you earn, the more you pay, and the more you own, the more you pay'.

In giving evidence to the select committee of inquiry on property taxation, I indicated two solutions to solve the land tax problem for taxpayers, that is, either abolish land tax entirely or extend land tax to all property, neither of which would be palatable to any government. In fact, Ken Henry, in his review of the Australian tax system, gave regard to the latter proposition when he said, 'The structure of land taxes could be improved by broadening the land tax base to eventually include all land.' The Henry review even went so far as to suggest that a person's principal place of residence should be subject to land tax. I do not necessarily agree with that proposition.

The government should be commended for increasing the threshold to $300,000, but the indexation does not apply until 2011-12. I understand the reasoning for this is that the increase in property values for this year were already taken into account in the midyear review in January and therefore taken into account during initial calculations in determining the increase. However, it seems that the estimates made in the midyear review now appear to be conservative and therefore the $300,000 increase in threshold would appear to be diluted and will again be diluted next year.

The increase in threshold will provide relief for many land tax payers, especially those who are commonly referred to as mum-and-dad investors. Typically, these investors will have a handful of properties, which were purchased many years ago with the intention of these properties forming their superannuation.

I am aware of many small investors who are receiving less than an economic return from their properties due to an outrageous land tax burden. For example, one constituent who falls within the mum-and-dad investor category has two properties with a gross annual income of $30,000. Last year, their land tax assessment was $27,000. Another constituent had a gross income of $100,000, which paled in comparison with their land tax liability of $150,000. People such as these two constituents will warmly welcome the increase. However, with a maximum benefit of $1,245 and the highest land tax rates in the country, South Australia's land tax system is far from ideal.

Furthermore, as the Valuer-General conducts annual valuations in South Australia, valuations are more up to date and higher on a pro rata basis than anywhere else in the country, which directly translates to a higher land tax liability, as the higher the valuation, the higher the land tax.

For some, this relief will come too late. Last year, I was contacted by a pensioner couple with a son who is a disabled pensioner. Rather than endure the lengthy wait for a Housing SA property, the couple were able to purchase a modest property for their son. This stopped their son from entering the public housing system and thus lessened the burden on Housing SA. However, due to continued land tax increases over a few short years, my constituents had no choice but to sell the house and take their son into their home.

The Henry tax review states that 'levying higher taxes on larger holdings discourages land-based investment by institutional investors, such as in rental housing'. There is persuasive evidence that businesses and developers have a reluctance to invest in South Australia due to the repressive nature of this tax.

Landlords from both residential and non-residential sectors are forced to pass on the increases in land tax through their rent when leases are renewed, which increases the cost of living. As the current legislation prohibits landlords from passing on land tax as an outgoing, as is the case with other rates and taxes, their only alternative is to increase the rent. Tenants are unable to budget for larger increases in rent and may go out of business. Land tax is the only tax that is not able to be included as an outgoing to a lease, and I foreshadow my intention to provide for greater transparency by making legislative changes to rectify this in the future.

This is not the only inconsistency within the Land Tax Act. For almost two years, I have been assisting the owners of a small country motel in gaining an exemption, or at least a partial exemption, from land tax. The motel is in direct competition with caravan parks, which receive a full

exemption from land tax, and bed and breakfast operations, which are exempted or receive a partial exemption.

The owners of the motel are required to reside on the property in order to retain their AAA three star rating. However, they do not receive an exemption for the motel as their principal place of residence. Notwithstanding the fact that the Valuer-General classifies the property as predominately residential, as a motel, and the owners reside in the property, the Commissioner of State Taxation is unable to grant partial exemption because the act specifies that the buildings on the land must be predominantly residential in character. Despite lengthy discussions with the Commissioner of State Taxation, he considered that the property is not predominantly residential in character.

To complicate matters further, there is currently no definition in the act of what constitutes a property as being predominantly residential in character. Therefore, I foreshadow that I intend to move amendments to address this situation. The motel has been rendered non-viable due to the impact of land tax, as the total net profit was paid in land tax last year. Even with the increase in the threshold, the owners will still face an increase of approximately $2,000 to their land tax from 1 July 2010.

The owners of the motel could pay around $15,000 to have the property subdivided under a community title arrangement, which would then provide an automatic land tax exemption for the allotment that covers their principal place of residence—as occurs with properties such as the Oaks Pier Hotel at Glenelg and other similar international hotels. Clearly, these hotels are operating on a commercial basis, yet the owners of the apartments have the benefit of being exempted from land tax if they live in the apartment. Similarly, bed and breakfast operations—which, coincidentally, have minimal compliance requirements compared with hotels and owners who also reside at the property—receive the benefit of at least a partial land tax exemption.

As a solution to the problem I suggested to the Valuer-General that he could invoke the provisions of section 16 of the Valuation of Land Act, which would enable him to create two separate assessments for the property—one for the portion of the property that is occupied as the principal place of residence of the owner and another for the commercial component of the property.

Notwithstanding the fact that there are hundreds if not thousands of situations where this has occurred and which exist on the Valuer-General's property file, the Valuer-General and his department suffers from what is commonly known as Public Service paralysis and declined to make this change for no particular reason.

I encountered another example of this attitude when discussing the way in which the average increase in site values would be determined. New section 5(10)(ab)(iii)(B) of this bill provides for the Valuer-General to determine the average increase in site values in order to determine the average percentage change in site values to be used to adjust the threshold each year.

The shadow treasurer (Hon. Iain Evans) in the other place asked how the indexation would be calculated and was provided with a formula from the Valuer-General. I understand that this was distributed to all minor parties and Independents for consideration. While the act provides that the increase in site values is to be determined by the Valuer-General, having received a copy of this formula it was evident it had all the markings of Treasury's fingerprints all over it. It should be remembered that the Valuer-General is an independent statutory officer responsible only to parliament, and this bill requires the Valuer-General to determine the method for calculating the average percentage change in site values.

My experience within the Public Service has shown that Treasury will always endeavour to influence outcomes to suit itself, irrespective of which government is in power. I believe that Treasury's hand in determining a formula resulted in an overly complex method of calculating something that could be done quite simply.

I have received a number of briefings on this formula from Treasury and the Valuer-General's Office yet I have had considerable difficulty understanding it. I am convinced that the Valuer-General's Office does not understand it, either. This matter was further complicated when my office discovered that there was an error in the original formula. Gone are the days when ministers of the crown would stand up to these Public Service mandarins to ensure the public receives justice and a fair outcome.

For example, I was contacted by a constituent whose daughter's marriage had dissolved. She was faced with purchasing her husband's share in the matrimonial home—an option she could not afford—or downsizing and purchasing a less valuable property. I was of the opinion that an amendment to the Stamp Duties Act would provide a basis for providing stamp duty relief, with no impact on state revenues.

When I raised this matter with the Treasurer, he suggested a way in which the matter could be resolved, but in the end I believe he was rolled by his Public Service advisers as he reneged on his resolution. His suggested solution would have had little or no adverse revenue impact.

I am pleased to say that, after extensive discussion with the Valuer-General's Office, it has been agreed a simpler method could be adopted to determine the average increase in site values from year to year. I understand the Valuer-General will now request from Revenue SA a list of properties which were subject to land tax in the past financial year; that is, residential and non-residential properties. The Valuer-General will then calculate the total site values on these properties for the current financial year and also the total proposed site values for those same properties for the impending financial year. As a result they will ascertain the average percentage change in site values.

I understand that all properties, both residential and non-residential, that paid land tax in the financial year will be used to calculate the interest; that is, if new properties are created they will not be included in calculating the increase until the following year. Similarly, if properties are no longer liable to pay land tax, they will still be included in the calculation for that particular year. These changes will be accounted for in the following year.

I am sure those who have taken the time to consider the formula would agree that the new method of calculation is much easier to understand and more transparent. I look forward to the committee stage of the bill, and I foreshadow that I will be asking the minister a number of questions, including whether land tax is calculated on properties owned by the South Australian Housing Trust, the South Australian Land Management Corporation and other state-owned trading enterprises, such as SA Water, in the same manner as private taxpayers and then debited to each property within the ownership.

Finally, I would like to respond to a number of comments made by the member for West Torrens (Hon. Tom Koutsantonis) in the other place. The member for West Torrens made mention of a secret plan of the Liberals for land tax. I am not aware of the Liberals' secret plan which the member for West Torrens mentioned in the other place. I believe that the Liberals' pre-election policy on land tax was published in their public policy document entitled 'Land tax reform—the first step'. I am not aware of any further plans or policies, secret or otherwise.

The member for West Torrens said that the opposition intended to engage 'the Hon. John Darley to run a review'. I put on the record that prior to the election I was invited by the opposition to be part of a committee to undertake a complete review of the land tax system. The committee would have been chaired by the treasurer and would have been established within 100 days of the Liberals coming into government. The Leader of the Opposition wrote to me about this matter, and I am happy to provide a copy to anyone who is interested—in fact, a copy of this letter was posted on the internet on 28 February. I have always answered questions regarding this matter openly and honestly. It was never my intention to run the review. However, I was enthusiastic to be included in discussions on land tax reform as I have been a long time campaigner for land tax reform and was elated that, finally, it seemed like some change was going to occur.

I am disappointed that there will be no review of the land tax system, as I believe it is required. Should the government wish to establish a similar committee—and I urge them to do so—I would be more than happy to assist. However, in the meantime, I am hopeful that this bill is only the beginning of a number of changes to land tax. I look forward to the committee stage of the bill.

Debate adjourned on motion of Hon. R.P. Wortley.

PUBLIC INTEGRITY

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) (17:01): I table a copy of a ministerial statement relating to the public integrity update made earlier today in another place by my colleague the Attorney-General.

HEALTH PRACTITIONER REGULATION NATIONAL LAW (SOUTH AUSTRALIA) BILL

Adjourned debate on second reading.

(Continued from 26 May 2010.)

The Hon. R.P. WORTLEY (17:01): I rise today to speak about this bill. On 11 May last year, my colleague in the other place Hon. John Hill (Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Southern Suburbs and Minister Assisting the Premier in the Arts) moved that this bill be read a second time. In his brief but very interesting survey of the history of the local regulation of health practitioners, he noted that South Australia has regulated such practitioners by way of statutes, including the Medical Practitioners Act 1919, the Nurses Registration Act 1920 and the Opticians Act 1920, for almost a century. That is a remarkable testament to this state's ongoing care (from the quite early days) for the health and safety of its community.

A number of legislative instruments providing for the registration of various other health professionals were enacted thereafter, and all relevant acts were revisited some 10 years ago. Needless to say, the health professions have changed to an astonishing degree since those early days of our community, and even in the last 10 years or so since the legislation was last reviewed. Just consider the extraordinary array of technology in use today, the advances in surgical and pain management techniques, the developments in pharmacology, to name just a few. However, some things do remain the same. Foremost among these is the need for all of us to have absolute confidence in the qualifications, capability, continuing education and appropriate conduct of our health service providers. That confidence cannot and must not be eroded.

As my colleague in the other place remarked so succinctly, the acts covering the regulation of health professions have served the people of South Australia very well. However, with the advent of mutual recognition, there has been the potential for the public in South Australia to be exposed to practitioners who may not meet the registration requirements established by local registration boards. Under mutual recognition, any practitioner registered in one jurisdiction is deemed to be eligible for registration in another jurisdiction. Mutual recognition has seen some professions work towards developing national standards for registration, but this does not apply to all registered professions.

The prospect of incompetent health practitioners registering and practising in other states and territories, such as doctors Patel and Reeves, being eligible to practise in South Australia is not something which this government wishes to see happen. This is why we believe it is important for South Australia to participate in the national registration and accreditation scheme for the health professions. The scheme will ensure that health practitioners will be subject to nationally consistent registration standards and codes for their professions.

Given these remarks, undoubtedly members will comprehend why the bill has been a long time coming. Agreed to by COAG in March 2008, the scheme under discussion has its genesis, in fact, in a 2005 Productivity Commission report into health workforce reform. Astonishingly, the commission discovered some 90 health practitioner registration boards Australia-wide! These state-based boards have borne the responsibility for registration of practitioners through the evaluation of an individual's qualifications, experience and fitness of character to practise and to fulfil their continuing education requirements. One can certainly understand the inefficiencies that have resulted from the multiplicity of jurisdiction-based organisations. And that is not just for the organisations.

Until now, practitioners wishing to work in both South Australia and, for example, New South Wales, must be registered in and fulfil the related requirements of both jurisdictions. Most importantly, however, these state-based boards, simply by virtue of their independent status, have given rise to variations in registration and accreditation standards, with the results in other states, I am sorry to say, that have, on occasion, been truly shocking. As a consequence of the level of variance between states and territories, the Productivity Commission's report recommended, inter alia, that governments 'develop a consolidated national registration agency to promote a national uniform approach to the regulation of health workers and reduce barriers to the movement of health professionals within Australia'.

Following the election of the Rudd Labor government, COAG agreed to a single national registration and accreditation paradigm. Arriving at the resulting scheme, necessitating (as it does) a fundamental restructure of the registration and regulation of a now broad range of health professionals, has been a lengthy and complex task. A number of professions—and within those a

large number of stakeholders—have been consulted. Among them were not only practitioners but also other health service providers, governments, universities and other teaching institutions, professional colleges and associations and, of course, consumers. However, the consultations that have led to the bill before us were far from the end of the story.

The three-stage legislative process involved in the implementation of the national registration and accreditation scheme is a model for the inter-state cooperation. Pursuant to the COAG agreement, Queensland's Health Practitioner Regulation (Administrative Arrangements) National Law Act 2008 facilitated legal and government arrangements needed to allow the implementation of the national scheme from 1 July 2010. The second legislative milestone was the passage of the Health Practitioner (Regulation) National Law Act 2009 of Queensland, which will repeal the 2000 act from 1 July 2010. This comprises the component parts of the national scheme, among these being registration, accreditation, complaints, conduct, health and performance matters, privacy and information sharing modalities and transitional arrangements.

The introduction of adopting or corresponding legislation by other states, so as to apply the national law as the law of those jurisdictions, is the final stage in the process for most states. Western Australia will realise a scheme via the introduction of corresponding laws. That is where we stand today.

This national law, which I must emphasise is not a commonwealth law but state legislation agreed to by all health ministers, will commence, as I mentioned, on 1 July 2010. It provides for the national registration of 10 health professions, including medicine, nursing and midwifery, pharmacy, physiotherapy, dentistry (consisting of dentists plus dental prosthetists, therapists and hygienists), psychology, optometry, chiropractic and podiatry. Four additional professions will be added to the national scheme on 1 July 2012. They are medical radiation practitioners, occupational therapists, Chinese medicine practitioners and Aboriginal and Torres Strait Islander clinical health practitioners. It is possible that other health professionals may be included in the national scheme over time, and this will be a matter for future consideration.

Meanwhile, the primary objectives of the national scheme are to provide for the protection of the public by ensuring that only health practitioners who are suitably trained and qualified to practice in a competent and ethical manner are registered, and to facilitate workforce mobility across Australia by reducing administrative burdens for health practitioners wishing to move between jurisdictions or to practise in more than one jurisdiction.

The scheme will be administered by the Australian Health Practitioner Regulation Agency, which will establish officers in each state and territory. Each profession will have a dedicated national board with responsibility for registration of practitioners, the development of standards and codes, approval of programs of study and the receipt and investigation of complaints by consumers with regard to practitioners.

South Australia has at least one representative on each of the 10 national boards to be established. As has been the case for the South Australian registration boards until now, the national scheme will be self-funded by practitioners' registration fees. Fees will be set by each profession's national board, with the dual purpose of reasonable costs for practitioners, whilst enabling the efficient and effective operation of the scheme.

Those wishing to practise outside South Australia will be required to register in only one jurisdiction. One registration fee only will be payable. Student registration, already in place across all regulated health professions in South Australia, will be extended to all jurisdictions. It is imperative that we make sure that students who are interacting with members of the public are similarly accountable with regard to standards, conduct and medical fitness, as are the qualified colleagues from whom they learn and by whom they are supervised.

Also included in the body of the bill are certain consequential amendments needed to ensure that the scheme is completely implemented in South Australia, to safeguard our local arrangements for issues that have not been captured by the national scheme and to repeal the existing, now redundant, health practitioner registration legislation.

I turn now to the establishment of the South Australian Health Practitioners Tribunal. Cooperative endeavours, such as the passage of this legislation in this and other jurisdictions, demands negotiation, and compromise is necessarily an element in those negotiations. One area in which the government will never compromise is the protection of our people, and it is in this regard that we are intent on maintaining transparency and accountability on matters touching on practitioner misconduct and related issues.

By virtue of the states' agreements, each jurisdiction must establish an external complaints and review process. In our case the South Australian Health Practitioners Tribunal will be an autonomous tribunal separate from the courts system. Such a model eschews the formalities associated with court proceedings and ensures that the problems of cost and delay sometimes associated with such proceedings do not impede in the efficient and timely resolution of complaints about practitioners.

In common with some similar tribunals, a panel of three members, two of whom will be selected from the same health profession as the practitioner to whom the matter relates, and one member representing the interests of consumers and health services, will hear the matters. For appointment as a president or deputy president, a candidate must be a legal practitioner of at least seven years standing. As my colleague in the other place pointed out during the second reading debate—and it is worth re-emphasising here—South Australia has been fortunate not to have cases similar to those widely publicised in other jurisdictions of practitioners who have not been fit and proper persons to practise or have engaged in unprofessional conduct.

Along with the minister, it is my view that it is now time to go forward from the jurisdictional-based system of registration and regulation to this national system—a scheme under which both practitioners and members of the public they serve will be able to make decisions with certainty and will be safeguarded by consistent registration standards and codes of conduct. It is important that the legislation is passed swiftly so that South Australia can participate in the new scheme as it is implemented.

Expedited passage of the bill will assist practitioners and the boards to move smoothly into the new arrangements without administrative impediments and will fulfil our obligation to COAG to implement the scheme on 1 July 2010. I congratulate all those who have worked so hard on this legislation before us today and commend the bill to members.

The Hon. T.A. JENNINGS (17:14): I rise today to indicate the Greens' support for the Health Practitioner Regulation National Law (South Australia) Bill and note that it was only introduced into this state's parliament on 11 May this year. Debate on this legislation in fact occurred in the House of Assembly on 25 May this year and only a mere month later here we are debating it in the Legislative Council. I raise that issue because we have had many years with this scheme coming into effect and, while it is something we support wholeheartedly, I am very concerned that we are debating a bill to be implemented in a matter of weeks and the stress and concern that has caused with stakeholders in the community.

Just today I have had people on the phone who are in offices surrounded by thousands of files, hundreds of boxes, who do not know where they will be next week, who do not know whether they and their staff will be moving to the new system or continuing to be in limbo, and that is quite a dereliction of duty by this government, which should have looked at tabling this legislation far sooner, but to do that it would actually have to sit more.

This bill is, of course, part of a national scheme of regulation for Australian health practitioners which is intended to establish a nation-wide system of registration and accreditation. The various regulatory systems currently operating in the respective Australian states and territories are to be replaced by a new system in two stages.

In the first instance, in this stage, as of 1 July (which is next week) 10 health professions will be covered. These include medicine, nursing and midwifery, pharmacy, physiotherapy, dentistry, psychology, optometry, osteopathy, chiropractic and podiatry. The final four, as has been mentioned earlier, will be added as of 1 July 2012. They include medical radiation practitioners, occupational therapists, Chinese medicine practitioners and Aboriginal and Torres Strait Islander clinical health practitioners.

I note at this point that there was a failure to endorse mental health nurses in this process. It is critical to point out that this is not a failure of the proposed bill, or the law itself, but it is a matter for the National Nursing and Midwifery Board of Australia to determine. The Australian Nursing and Midwifery Federation (ANMF) will continue to lobby the national board on the issue and has, I believe, sought a policy commitment from the state government that supports the employment of mental health nurses in the provision and supervision of nursing care to those with mental health illnesses. The Greens support this call, and I put on record that we would appreciate some sort of a response from the minister on this issue.

As to additional South Australian regulation, there are two health professions currently regulated in Australia that will remain outside of this national scheme as of 1 July 2010. The first of

these are occupational therapists who, as I have noted, will be joining the national scheme from 1 July 2012. Until that time they will continue to be regulated under the South Australian Occupational Therapy Practice Act 2005, so at least they have that certainty.

The second profession regulated in South Australia, but not elsewhere, is that of dental technicians. As South Australia was the only jurisdiction, I gather, to regulate this group, it was not included in the national scheme. I note that the South Australian government has decided to forgo the regulation of dental technicians who will no longer be required to be registered from the commencement of this national law on 1 July 2010. We understand and accept that this is based on a lack of direct patient or consumer contact and are happy to support that.

The core objectives of the national scheme were clarified and identified by COAG back in August 2008, in the Intergovernmental Agreement for a National Registration and Accreditation Scheme for the Health Professions. As has been discussed before, they provide for the protection of the public by ensuring that only practitioners who are suitably trained and qualified to practice in a competent and ethical manner are registered. I imagine that we would all agree that that is an incredibly important thing to be ensuring in this day and age.

They also facilitate workforce mobility across Australia and reduce red tape for practitioners. This is not simply to spare medical professionals from having to register several times—although that does seem stupid and onerous—as it is also to address concerns, such as when we have a situation of national emergency like the Bali bombings, when many medical practitioners travelled to Darwin to address that crisis situation. Being able to practice in the Northern Territory was a requirement of being able to assist in that situation. I think that it is ridiculous in this day and age that we have medical professionals unable to assist in such a crisis and I look forward to the day when that will no longer be the case.

It also facilitates the provision of high quality education and training, and rigorous and responsive assessment of overseas trained practitioners. We would all be aware of the case of Dr Patel, which is currently before the Queensland courts. While Dr Patel was not in our jurisdiction, I think that the work done there in response to that particular case in highlighting awareness of the need for appropriate professional standards to be not only set but then to be followed—in that case they were not followed, although they had been set—is paramount to ensuring the health of all Australians. I also note that part of the problem with the registration of Dr Patel was that we were trying to run a health system without enough funding, which will always be one of the key issues here to ensuring quality in our system.

We also want to ensure that the public interest is safeguarded in promoting access to health services and, finally, we want to have regard to the need to enable the continuous development of a flexible, responsive and sustainable health workforce in Australia, enabling innovation in education and service delivery.

While I have talked about Dr Patel, I would like to note that even within our own state borders sometimes the levels at which our health professionals are practising do not necessarily meet the standards that we should require. I point to the HCSCC's own report which has found that, within our very own state, a particular doctor practising in the country was not adequately informed of the need to collect forensic evidence in the case of a rape, which had a dire impact on one young woman and her family's life. I would like to see that these sort of stringent, universal and national health accreditation systems will ensure that there is no excuse. It does not matter if you are beyond Gepps Cross or in Queensland; you will have to be registered as a health professional, subscribe and be able to reach the high bar that we should expect of all of our health professionals.

In order to fulfil accreditation and regulatory functions, this bill establishes a range of bodies with respective roles in the regulation of health professionals. These include the Australian Health Workforce Ministerial Council, the Australian Health Workforce Advisory Council, the Australian Health Practitioner Regulation Agency, national boards—every profession registered under the bill is to have its own national board—and state and territory boards which have the option to establish a national board should the local circumstances warrant.

As I have said, the origins of this bill lay with the COAG 2004 call for research and a subsequent 2005 Productivity Commission paper that was produced on Australia's health workforce. Again, that was quite some years ago. It should have been no surprise that this legislation was coming. That paper found that the current system of registration was generally regarded as inefficient, administratively cumbersome, deadening to innovation, and inflexible, and recommended that government should establish a single statutory national accreditation board for

health workforce education and training and that health workforce registration should be consolidated into a single national registration board operating across all jurisdictions and professions.

So, we come to where we are now. The exposure draft was released in June 2009, and a report from the legislation committee that undertook an inquiry was issued in August 2009. The committee found general support for a national registration and accreditation scheme (NRAS). However, amongst the health professions, it also identified some concerns about government interference through ministerial councils to direct national agencies and national boards in relation to accreditation standards.

Again, I will echo some points of clarification. While these regulatory reforms are regarded as national law, it is not the equivalent of a commonwealth law. The prerogative to regulate the health professions is held by governments of the Australian states and territories, and this denies the possibility of any single comprehensive, commonwealth legislative strike. Indeed, the parliament of Australia has felt the need to stress, with minister Hill's second reading speech, that the national law is agreed legislation between all health ministers. It is not commonwealth law.

The current bill before us is part of a three stage process, and it has taken many years to get to this stage. We are now in the third stage. It makes the amendments necessary to fully implement the national scheme in South Australia, to continue arrangements in this state for matters not covered by the national scheme, and it of course repeals existing health practitioner registration legislation that will now be covered by the national scheme.

It sets up three bodies: the Australian Health Workforce Ministerial Council, the Australian Health Workforce Advisory Council, and Australian Health Practitioner Regulation Agency (AHPRA). The latter agency will provide assistance to support national boards. It will also establish procedures for the development of accreditation and registration standards and codes and guidelines approved by national boards to ensure the NRAS operates in accordance with good practice.

It will also deal with matters relating to the registration of registered health practitioners and collaborate with national boards to maintain up-to-date and publicly accessible national registers of registered health practitioners for each health profession. The agency has been tasked by the national board on terms of a health profession agreement, and that must take into account provision of payment for the fees, the annual budget of the national board and services provided to the national board for the national agency.

Finally, we have 14 national boards, which are to be created in the respective health professions. The members of these boards are to be appointed by the ministerial council, and I note that at least half, but no more than two-thirds, must be practitioner members, and at least two members must be community members. This is very important. In this day and age, we have now realised that health consumers play a very vital role in the delivery of health services, and so they should in the registration of health professionals.

It has been a long time now since we have seen the health industry and the health professionals with the mystique and history of being the ones who know all the answers. Of course, we know that when it comes to health, consumers are just as important a part of the creation of a cure as the health professional.

I note also that South Australian health consumers are currently protected from medical unfitness or unprofessional conduct of medical students. Concerns were raised around the lack of this protection continuing, and again I will ask the minister to clarify that for us when we get to that stage. It is my understanding that this legislation is meant to adopt the highest standards possible, so if that is not maintained I would be somewhat concerned.

State and territory boards now may be established, and in each participating jurisdiction that board will exercise its functions at a local level. The members of any state or territory board are to be appointed by the responsible minister for the jurisdiction. As with the national boards, at least half, but no more than two-thirds, must be appointed as practitioner members and, again, at least two members must be community members. This again is much welcomed by the Greens.

In South Australia, for example, members of the Medical Board of South Australia, the Nursing and Midwifery Board of South Australia, and the Physiotherapy Board of South Australia will continue under committees of their respective national boards, although some of their names and constitutions will change. Members of the current Dental Board of South Australia and the

South Australian Psychological Board will form regional boards with members from the Northern Territory and WA respectively. So, it is good to see that it is not a one-size-fits-all solution and that the particular professions have been able to adapt that to suit them.

The national bill establishes a common system of registration for health practitioners around Australia. Within the regulated professions, there will be common national registration requirements. Part of those requirements will be factors such as not having any impairment, having not practised without appropriate professional indemnity insurance, not having any change in a criminal history (which, of course, presumes that they did not have an inappropriate criminal history to start with), also rights to practise at hospitals or other facilities not being withdrawn or restricted, and whether or not a complaint about an applicant has been made to a registration authority. These are all fit and proper things that the Greens support.

Other issues of notifiable conduct will include practising while under the influence of alcohol or drugs, engaging in sexual misconduct in connection with professional practice, and placing the public at risk of substantial harm due to the practitioner either having an impairment or departing significantly from accepted professional standards. These are all things that we should expect from our health professionals in 2010.

We had some concerns with a provision which I think South Australia currently upholds and which the Australian Psychological Society raised with us. As members would be aware, under the South Australian Psychological Practices Act 1973, the use of psychometric tests is currently limited to the registered psychologists in this state. Under the South Australian Psychology Board, I understand that this has not been enforced. That is what I have been informed by the government. However, that does not mean that it should not exist.

Under the new regime the regulation of psychological practice will be dealt with by a national board. The Psychology Board of Australia has raised some concerns about this area and whether or not there should be practice restrictions for psychology tests, including psychometric testing in South Australia, given that it believes (and I believe that the Greens have supported this in the past) and also that this parliament has previously believed that unregulated use places the public at risk.

I note with concern at this point that the current set of rules needs to be re-examined by the national professional board. It has been suggested in advice from the Minister for Health's office that psychologists will need to get out and lobby their own board rather than enjoy their protection continuing. I ask the minister to address this issue and to give a government response to indicate whether the South Australian government will also be supporting the continuation of practice restrictions on psychology tests, including psychometric testing, and what measures it may have already taken to ensure that the unregulated use of these tests will not place the public at risk.

I applaud the government's work on cosmetic contact lenses and ensuring that the plano lenses issue has been addressed here. I also raise some concerns that, while I think it is a very welcome move and the Health and Community Services Complaints Commissioner does a very fine job, there may be additional workload here and I think we need to monitor that. I ask the minister to respond as to whether there might be an expected level of any additional workload for the complaints commissioner in South Australia.

In terms of other Greens submissions, we consulted with the sector on this. We met with the Australian Nursing Federation and had either correspondence or phone conversations with the South Australian and Northern Territory College of General Practitioners. We also spoke with pharmacists and I am happy to see that some of their concerns have been addressed in the amendments that have since been tabled by the government with regard to membership of boards.

Finally, there is an area of concern that has been raised with me on behalf of nurses by the ANF regarding employment arrangements, specifically referring to clauses 37(2)(b) and 38(2)(b). They provide that a staff member who is surplus to requirements can be returned to the public sector and have their continuity of service recognised, but the bill does not necessarily provide for those staff members to be able to choose of their own volition to leave and return to the public sector. I would also like a government response to that. If the government can assure that those provisions of protection for staff can be extended to those who also elect to return to their previous place of employment and back to the Public Service, that would give the Greens some sense that those concerns of the nurses have been addressed.

I put on the record that all the people we spoke to from all those particular bodies were very keen to ensure that this legislation was passed and passed quickly. There are people in a

state of chaos in offices around South Australia at the moment. They are not sure what is going to happen next week with the introduction of this new scheme and they are not sure whether they will be staying with a current system or whether they will be moving to a new system, and that lack of clarity has led to people having incredibly stressful arrangements.

I am sure that, unlike most people, they will be looking eagerly at the *Hansard* tomorrow to see where this debate has got to because it has a grave impact on their lives. People who do not know where they will be next week, people who cannot implement properly and professionally the necessary measures needed to introduce this legislation—that is no fit and proper way to govern. I echo again, if we had had more sitting days, if this matter had been debated much earlier then we would not be in that position and we would not be putting those people in that position.

I put on the record that the Greens will support this bill. We would like some responses to the issues that have been raised. Three years ago we knew that this legislation was coming; four years ago we knew a March election was coming—from then we should have been able to deal with this bill in a much more adequate way. Think of those people in their offices, not sure whether they can move; think of the fact that, at the moment, we cannot register doctors in this state because we are incapable of doing so. That is something that should be of great shame to this government. Right here and right now South Australia is unable to process registration of doctors.

So, while supporting the bill, we also echo some of the concerns that I am sure will be raised by members of the opposition in terms of the format in which the bill was presented in this place and in terms of the lack of timeliness. Of course, we believe the pursuit of a national scheme is something that overrides political concerns, although we would like to see the government get its act together on it.

All of us are health consumers and we welcome the recognition of consumer and community members on the national board. I am delighted to see that we are moving in the right direction with this legislation and I commend the bill to the council.

The Hon. CARMEL ZOLLO (17:36): I add my support for this legislation. As placed on the record by the minister in the other place, South Australia has had some form of regulation of health practitioners for nearly 100 years. Those of us who have been in the parliament for the last 10 years or so will remember that all the health professions acts were reviewed in the early 2000s, primarily for national competition policy review.

As to be expected, the acts covering the regulation of health professionals have served the people of South Australia well. What has changed in recent times is the advent of mutual recognition. Under mutual recognition, any practitioner registered in one jurisdiction is deemed to be eligible for registration in another jurisdiction. With the advent of that mutual recognition, there has been the potential for the public of South Australia to be exposed to practitioners who may not meet the registration requirements established by local registration boards. Mutual recognition has seen some professions working towards developing national standards for registration. However, this does not apply to all registered professions.

We need not think any further than a case that is now before the courts interstate in relation to an alleged incompetent health professional to understand the importance of our state's signing up to this legislative scheme. I am certain that not one of us would contest the concept of this bill. The fact that each state currently maintains different standards yet all agree to mutual recognition no doubt could lead to anomalies with some disastrous consequences. We all appreciate the need to ensure that our health practitioners will be subject to nationally consistent registration standards and codes for their professions.

The main purpose of the bill before us is to adopt Queensland's Health Practitioner Regulation National Law Act 2009 as a law of this state, to make consequential amendments to fully implement the national regulation and accreditation scheme in South Australia, to continue arrangements in this state for matters not covered by the national scheme and to repeal existing health practitioner registration legislation that will now be covered by the national scheme.

The primary objectives of the national scheme are, first, to provide for the protection of the public by ensuring that only health practitioners who are suitably trained and qualified to practice in a competent and ethical manner are registered and, secondly, to facilitate workforce mobility across Australia by reducing the administrative burden for health practitioners wishing to move between jurisdictions and to practice in more than one jurisdiction.

The legislation before us to adopt the national law as the law of our jurisdiction is a most sensible one. The national law was agreed by the Australian Health Workforce Ministerial Council, so it is important that our state adopt the law as agreed by the council. Given that the primary reason for regulation of the health profession is to minimise any potential risk to public health and safety, the national scheme also establishes an external complaints and review process. Therefore, amongst other things, the bill before us establishes the South Australian health practitioners' tribunal to hear disciplinary matters against health practitioners and appeals against decisions of the registration boards.

I understand that this structure is the preferred one indicated by the majority of stakeholders during the consultation process on the draft of the bill before us. Our health professionals are amongst some of the most respected in our society. None of us wants to see variations in registration and accreditation standards across the country as well as additional administrative and cost burdens on health practitioners that impede their movement between states.

Minister Hill in the other place stressed that the single national registration and accreditation scheme was agreed between all health ministers and, as has already been mentioned by the Hon. Tammy Jennings, is not commonwealth legislation but legislation common to all the states. He also spoke about how the national scheme is to be administered and the establishment of a national board for each of the professions and the responsibilities of those boards.

At this point in preparing my notes I received, as I am certain all other members have, a copy of the excellent research paper prepared by our library. Whilst I understand that there have since been some citation corrections, the report nonetheless clearly outlines the intention of this legislation, the background of its development, its key features and more importantly the provisions specific to our state of South Australia. In the committee stage, the minister will be moving amendments that I understand will affect the provision of pharmacy services.

Given the amount of time and scrutiny that was devoted to this legislation in the other place, I think it would be indulgent of me to just repeat on the record the excellent information provided by the minister, although I would say, because I understand there was some criticism in the other place, that model legislation is not new. As pointed out by the minister, this bill has been worked on at every possible level in Australia over the past four or five years. The proposed legislation has been on the public record for many years, as well. Model legislation indeed has been introduced by both the government and the opposition at different times. Suffice to say, I welcome this sensible and timely piece of legislation.

The Hon. A. BRESSINGTON (17:43): I rise to indicate my support for the second reading of the Health Practitioner Regulation National Law (South Australia) Bill. The bill before us has a lengthy history stemming, yet again, from a Productivity Commission report in 2006 that recommended the consolidation of some 90 state and territory registration boards into one national registration scheme.

It also has a long history of consultation, although it would seem that it was slow to commence and did not occur prior to the decision to implement the recommendations of the Productivity Commission. However, it is my understanding that today all peak bodies and industry groups are supportive of the transition to a national scheme. This is understandably so. The existing state-based registration scheme, while working well at a state level, is inefficient and cumbersome for practitioners seeking to practice in multiple jurisdictions and has led to each jurisdiction having different standards and procedures for registration.

By establishing consistent standards and nationally recognised registration, the national registration and accreditation scheme is a positive evolution in the regulation of the medical profession, and I make it clear that I support the intent of the bill. I am, however, yet to determine my position on whether we should refer to the Queensland act or introduce a corresponding bill. I am inclined to support the view that this parliament should seek to retain and enjoy the full benefits of its prerogative over the act and any associated regulations.

Additionally, I am uncomfortable with the government expecting us to extend what is essentially a vote of confidence in the executive, which has agreed to the Queensland act, not just as it presently stands but also for any future amendments. For they, too, will not come before this parliament for scrutiny but rather, again, be agreed to by the executive. Only if the South Australian

executive takes issue with an amendment to be made and seeks to amend the reference in the bill will it need to involve this parliament at all.

This goes beyond mere semantics. As I expressed in my brief contribution to the Credit (Transitional Arrangements) Bill, I am genuinely concerned that the jurisdiction and, in turn, the sovereignty of this parliament, are slowly being eroded. Whether it is to the executive or the commonwealth, it seems as though every second bill introduced by the government seeks to usurp this parliament. While national consistency is, in the main, a desirable objective, this should not come at the expense of this parliament's oversight.

While the government may argue, as it did in the House of Assembly and in the briefing document it circulated, that this parliament theoretically retains its sovereignty, I would argue that the theoretical ability to rescind or amend the reference is vastly different from this parliament being required to debate and pass any amendments that may be made.

One cannot dispute that the oversight this parliament would have if a corresponding law were introduced is greatly diminished by instead referring to the Queensland act. Additionally, I find many of the arguments for using the reference law model deficient. If, as the government argues, there will be extensive consultation and unanimous agreement amongst members of the ministerial council prior to any amendment to the Queensland act, I fail to see why a corresponding amendment cannot be prepared and passed here in South Australia in unison with Queensland.

While there may be a short delay due to differing sitting schedules and the increase in scrutiny the bill will receive in this parliament, this delay need not be epic. If an election would interfere with unison action and the amendment is not urgent, surely a mutual date between Western Australia, South Australia and Queensland could be agreed.

As for preserving national consistency for any noncompliant amendment to be made to the South Australian corresponding law, it would obviously require majority support. As such, it is highly unlikely such amendment would ever pass. However, if it were to attract government support, it would clearly be of such importance and urgency to warrant the amendment. That said, I have no desire to delay the assent to the bill. I would much prefer this to be resolved without the need to resort to a deadlock conference, which I doubt will happen.

As was highlighted to my office yesterday, transitional plans are in place, and projects such as a doctors health service, which is apparently to be funded by residual funds of the disbanded South Australian medical board, will potentially be jeopardised by any delay. However, it is this parliament's role—in particular, the Legislative Council's role—to scrutinise, debate and vote on law within our jurisdiction. To suggest that we are in some way being obstructionist in seeking to ensure that we are able to do so is not appreciated. That said, I support the second reading and look forward to the committee stage of this bill.

The Hon. S.G. WADE (17:49): I rise to continue remarks in a similar vein to those of the Hon. Ann Bressington, and I note that other honourable members have expressed similar concerns. The Hon. Michelle Lensink will address the health policy aspects of this legislation, but as the shadow attorney-general I want to reflect on some of the legal issues this bill raises, issues that have already been mentioned by other members.

The Parliament of South Australia has passed a number of bills honouring commitments by the government of South Australia to participate in a wide range of schemes to provide national consistency in laws. This bill is another example of such a scheme. Where the constitutional powers in relation to a subject matter lie within the jurisdiction of the states and territories, the most common approach to achieve nationally consistent legislation is for one parliament to enact a proposed national law, with other states and territories adopting it. The legislation and regulations are often drafted by the relevant ministerial council.

While the power is not referred to the commonwealth, the commonwealth is usually involved in the relevant ministerial council. Having made that point, I think the Hon. Tammy Jennings well highlighted that this does not mean that the law becomes a commonwealth law. It remains a matter of state law, but it is a national law because of the cooperative action of a range of state parliaments.

As I said, this bill is another example of a national law. In 2008, the government of South Australia signed the intergovernmental agreement for a national registration and accreditation scheme for health professions. As the Hon. Tammy Jennings highlighted, it had a long gestation period, under the guidance of the Council of Australian Governments. Under that agreement, any

party can withdraw from the intergovernmental agreement with 12 months' notice, but to do so would make the IGA null and void, according to clause 16 of the agreement.

Contrary to earlier advice from the government that decisions of the ministerial council are only by unanimous agreement, the IGA states quite clearly that agreement by the ministerial council for the purpose of decisions in relation to the national scheme will be by consensus. Under the IGA, states and territories, other than Western Australia, will 'use their best endeavours' to enact and maintain the legislation in their jurisdictions, applying the Queensland legislation as a law of those jurisdictions. That approach is commonly called the applied laws model.

Whenever the Queensland parliament, at the direction of the Australian Health Workforce Ministerial Council, passes amendments to the national law, the national law as adopted in each jurisdiction is also amended without the need for any action by the respective parliaments. I echo many of the concerns expressed by the Hon. Ann Bressington that that is a significant diminution of the responsibility we have as a parliament to monitor the laws of this state and to monitor the activities of the executive.

Technically, the Queensland parliament does not amend South Australian law but, in amending the national law that is applied in South Australia, the law of South Australia changes as a result. As a sovereign parliament, the parliament of Queensland could act unilaterally. The minister in briefings assured us that would not happen, but why wouldn't it? The parliaments of each jurisdiction are sovereign. The Queensland parliament, being a unicameral parliament, is at greater risk of acting unilaterally than any other jurisdiction. If it did so, the South Australian parliament could repeal or modify the adopted laws but, in the meantime, the national law applies. It is a very risky approach, a risk that we do not need to take.

Western Australia has a longstanding approach that it will not generally adopt the legislation of other jurisdictions; it will not submit to an applied laws model. They have avoided the risk of Queensland or any other custodian of a national law acting unilaterally or, for that matter, a ministerial council going off the rails by ensuring that the legislation is not a national law adopted as applied law. They use what is called a corresponding law model, which means that Western Australia would usually enact consistent legislation and keep it up to date by subsequent amending legislation. That ensures that the parliament maintains its parliamentary oversight responsibility and it means the executives of the various jurisdictions, as they meet as a ministerial council, do not usurp the role of the parliaments in undertaking the legislative role.

Let us remember that these laws and these decisions never come before this parliament before ministers wander off to a ministerial council. They get briefings from their bureaucrats. They are laden down with a sufficient number of folders to make themselves feel important and they make decisions which, according to this scheme, would become law in this state without reference to any parliament of Australia, other than the Queensland parliament, which, we are told by the Minister for Health of this jurisdiction, would feel itself duty bound to be directed by the ministerial council. Let us not even suggest that the Queensland parliament is exercising its parliamentary oversight. It is merely the executive telling the parliaments what to do.

We argue that the corresponding law model is a more appropriate model in this context as it maintains parliament's active oversight of laws and means that South Australian law can be accessed within the statutes of this state, without external reference to any other jurisdiction. The Minister for Health has advised that that model would not be acceptable to the government, and the Minister for Health has given a number of reasons. I do not want to say that all these were put by the minister, but they may have been put by his advisers and other public servants.

Let us say that this is an overview of some of the arguments and what I would put as a response to them. First, it is said that adopting a corresponding law approach would make a nationally consistent scheme unlikely. I do not believe that. As a number of members have indicated, there is significant public benefit in having a nationally consistent health registration scheme. As we have had very strong consensus and support for these laws today, the parliament clearly has a desire to maintain national consistency. Parliament in considering any amendments would consider them on their merits. It would consider the relative impacts on national consistency and the public interests of the state.

For example, the Hon. Tammy Jennings in her contribution referred to this parliament's concern about the use of psychometric testing by people who are not psychologists. We have had those debates, long and hard, time and time again. This parliament has decided that psychometric testing in the hands of people who are not qualified is a risk to public health. The executive thinks

that it is better for a ministerial council that meets twice a year to decide what is good for the health of South Australians. Like the Hon. Tammy Jennings, I would have greater faith in the Parliament of South Australia.

Another argument raised by the executive is that it would be extremely burdensome on a national scheme to have corresponding laws. I cite the example of Western Australia. The Western Australian parliament is willing to take on the additional burden of amending its own laws. Why should we do any less? We have the guidance of the national law. It is not as though by adopting a corresponding law approach we suddenly do not get access to the collective wisdom of other states and territories. Like Western Australia, this parliament in maintaining a corresponding law would be able to reference the national law and any variations that the Western Australia parliament might have introduced in relation to those changes and make its own judgment.

I concur with the observations of the Hon. Tammy Jennings that the timing of this legislation coming before the parliament is extremely unfortunate. What I think is burdensome is an executive that cannot manage its legislative program in a way which allows this parliament to properly consider items. It is not that we run out of sitting time. More often this parliament is standing ready and willing to sit later to consider matters but the government wants to cut short the time. Be assured that the opposition will be available any time the government wants to update a corresponding law in relation to the national law schemes and the health practitioner regulation national law. We do not feel as tired as the government.

The third argument I have heard is that it would create lengthy delays to have a corresponding law model and, in many cases, that would be unacceptable to the public and the professions. Again, I make the point that the length of delay is not the fault of the parliament. It is rarely the fault of the parliament. As the Hon. Tammy Jennings has highlighted through her oversight of the time line, we knew this was coming for years. As she said, four years ago we knew we had an election scheduled for March this year. Over the past three years this legislation has been heading for this chamber. The lengthy delays have been caused by the executive, not by the parliament. I think the parliament has shown itself remarkably willing to facilitate the passage of legislation in a timely fashion. I believe that is another spurious argument.

Another argument raised by the executive is that a corresponding law approach would compromise the national registration of South Australian practitioners, while waiting for the South Australian parliament to pass the required amendments. I find this accusation particularly offensive because it is not evident in the documents supporting the national scheme. It is an attempt at scaremongering, which has no basis in the scheme. There are no provisions in the IGA to assess a jurisdiction's substantial compliance with the IGA.

We are aware of those sorts of provisions being in other legislation. Members will remember the gene technology legislation. If you become substantially at variance with the national scheme, you lose your accreditation—and that has implications for professionals. I can see no reference in the IGA to a need for substantial compliance and there is no provision for national registration to vary, according to the compliance of the home jurisdiction of the practitioner. In fact, how could there with be? If we have a national scheme with mutual recognition which allows a practitioner to register where they like and practice where they like, it is a joke for the executive to suggest that that is even possible.

I would like to reiterate—and I am sure the shadow minister responsible for this area will do this in more detail—that the Liberal Party is not saying that the philosophy of this bill is ill-founded. We do support the need for a national law as an act of cooperative federalism between the states to deal with health profession registration. However, considering the matters to be dealt with, we consider the most appropriate approach of achieving a national law is the corresponding law approach. Now I make it clear that, even though I am a federalist, for me this is not about states' rights. After all, the states have the right to work with other states in the exercise of their common functions. The commonwealth is not taking over this area of legislative authority. I do not see this as a matter of states' rights. It is more a matter of the appropriate roles of the executive and the parliament. It is more a matter of access of the community to laws.

In relation to the appropriate balance between the executive and the parliament, I refer to a book by Professor Gerard Carney. In his book, *The Constitutional Systems of the Australian States and Territories*, he states:

> A risk of many commonwealth and state cooperative schemes is executive federalism, that is, the executive branches formulate and manage their schemes to the exclusion of the legislatures. While many schemes require legislative approval, the opportunity for adequate legislative scrutiny is often lacking, with considerable

executive pressure to merely ratify the scheme without question. Thereafter, in an extreme case, the power to amend the scheme may even rest entirely with a joint executive authority.

Other instances of concern include, for example, where a government lacks the authority to respond to or the capacity to distance itself from the actions of a joint commonwealth and state regulatory authority. Public scrutiny is also hampered when the details of such schemes are not made publicly available. For these reasons, a recurring criticism (at least since the report of the Coombs royal commission in 1997) is the tendency of cooperative arrangements to undermine the principles of responsible government.

I agree with Professor Carney that they are very grave concerns: not only does a parliament lose control of its responsibilities to oversight the law of the jurisdiction, both statute law and regulation law (subdelegated legislation), but also we have the executive being distanced from its responsibilities in terms of the administration of those laws.

The last point I make in relation to the general policy relating to the national law is that I believe it is inappropriate for a national law to be inserted into South Australian legislation merely by external reference. As a parliament, we do not like legislating by external reference. Effectively, that means that our laws are being changed by bodies outside the state—

The Hon. J.M.A. Lensink: Unelected.

The Hon. S.G. WADE: —unelected, as the shadow minister mentions—and often at the behest of the executive of states, not even the parliamentary legislators of another state. I also think national laws being done by external reference is very much to be regretted when the poor members of the community have to access this law. It is one thing to negotiate the labyrinth of statute books of your own jurisdiction, without having to then find, 'By the way, once you finish going through this tome, you will need to find someone who stocks the Queensland statute books to find out what the law is in your jurisdiction.' I think, as a matter of principle, we as a parliament should be making it as easy as possible for South Australians to know what law applies to them, particularly in this case if they are a health practitioner. I believe that, in many cases, to use a national law approach by external reference is to be avoided.

I have taken that opportunity to make some comments from a parliamentary or legal perspective. The shadow minister, on behalf the opposition, will reiterate our support for the overall principles of the legislation, as well as our ongoing concerns about a number of aspects of the legislation, including the inclusion of the national law by reference, not by inclusion.

The Hon. J.M.A. LENSINK (18:06): I will make some comments in relation to this bill and state that, indeed, as my colleague the Hon. Stephen Wade commented, in principle, we certainly support this legislation but have concerns in relation to the constitutionality and other things which I do not propose to go into in any detail. That has been very adequately covered by my colleague the Hon. Stephen Wade and also in another place by the shadow minister for health, the member for Morphett Dr Duncan McFetridge. On behalf of the Liberal Party, I have handled a number of the health professional acts over the years that I have been a member of this place. In some cases, those acts have been on the South Australian statute book for several decades and have served the purpose of protecting consumers through registration, accreditation of training courses and having some established professional procedures to deal with complaints, misdemeanours and so forth.

There was a process of revising all the health practitioner bills, starting with the Nursing and Midwifery Act, followed by the Medical Practice Act and a number of the allied health professionals. Throughout that process it was evident that each profession has unique characteristics, and the parliament managed very effectively to recognise that each profession has its own origins and practices, which can be difficult for people from other disciplines to understand in detail, particularly when it comes to disciplinary matters. Those reviews of the health professional acts followed a national competition review to modernise the acts to take into account changed practices over the years.

With the increased mobility of the health workforce, mutual recognition has served to assist, but it is broadly accepted that it has its limitations and has been superseded by the need for a national system. I may be guilty of repeating comments that have already been stated, but for the sake of completion of the debate they are worth covering again.

In relation to this legislation, which is the national regulation of health professionals, in 2005 the Productivity Commission was tasked with reporting on the health workforce and, as has been stated, some 90 boards were administering multiple pieces of legislation, which naturally would lead to variations in procedures and operational capability. With the findings of the

Productivity Commission, its key recommendation was to provide for national registration standards for health professions and for the creation of a national registration board with supporting professional panels. Various models have been mooted over that time.

Personally I had concerns with some of them, which would have lacked the sort of peer review that is required for health professions. One of the examples I would have given at some stage was in relation to medical specialties, and this issue came up in relation to the SARC inquiry into the Medical Board. We have had issues in South Australia with practitioners and complaints have been made, and so forth.

In relation to the Medical Board, I had some significant disagreements with a former member of this place, the Hon. Nick Xenophon, because his belief was that the ultimate arbiter of Medical Board complaints ought to be via some judicial mechanism. However, I believe strongly in peer review as peers are best placed to understand those situations, to pass judgment, and to understand the scope and appropriateness of certain practices. In 2008 all Australian governments, including South Australia, signed on to the intergovernmental agreement to implement a national registration scheme, and the Hon. Stephen Wade has referred to clauses of that instrument.

The key aims of this bill are the twin aims of protection of the public and providing workforce mobility. We are seeing a greater influx of overseas-trained health professionals, and that is a positive thing for the Australian health system in that we, particularly with an ageing population, need more professionals, and they will naturally be more mobile as the global workforce is of itself more mobile.

I will add to the comments of the Hons Tammy Jennings and Stephen Wade in relation to the timing of the passage of this bill and will confirm their comments. The government wants the bill through by the end of the financial year, but it could have recalled parliament earlier had it considered the bill to be so important. I understand that, if the bill does not pass by 1 July, health practitioners and others will continue to be covered by existing acts and boards.

The minister has dragged the chain on consulting on the bill. The Queensland legislation passed in October 2009 and our shadow spokesperson, Dr Duncan McFetridge, took the trouble to write to the minister in September last year because he knew that this would be coming up, that it was important, that it had a start date of 1 July this year, that there would be an intervening election and that it was important that it be firmly placed on the public agenda. The minister replied that the draft bill would be available 'for public consultation over coming months'. However, this bill was not released until late January this year, with four weeks given for consultation.

I note that, in the minister's second reading explanation, he made a case as to why the bill must be passed by this parliament by 30 June. However, I do not appreciate emotional blackmail towards the parliament and, given the efforts of the member for Morphett, it is quite shabby to use that. As the Hon. Tammy Jennings has reported to the parliament, there is some chaos in the community as to what will happen. I appreciate that health professionals want this bill passed and have it sorted, and we are certainly not intending to hold it up in any way.

Returning to the bill, we support the intent but, as the Hon. Stephen Wade has outlined, we prefer the Western Australian model, which is corresponding legislation rather than adopting the legislation. Two bills went through the Queensland parliament, one which has been referred to colloquially as Bill A or its full title the Health Practitioner (Regulation) (Administrative Arrangements) National Law Act 2002, which established interim administrative and governance arrangements. Bill B, or as it is officially titled the Health Practitioner (Regulation) National Law Act 2009, passed the Queensland parliament on 29 October 2009. The bill before us is known as Bill C, and all states and territories, except Tasmania, have now passed laws to enable the transfer of their registration system to the national registration and accreditation scheme (NRAS), to commence on 1 July 2010. The effect of this bill is to adopt Queensland's Bill B. We have a fundamental issue with clause 4, and some other amendments which have been tabled for the benefit of members.

I note that in his contribution, the member for Morphett provided some constitutional expert advice about this concept of adoption versus corresponding legislation. I will not repeat those comments. I also note that he advocated the usefulness of the upper house, which is not something we hear from our House of Assembly colleagues very often. He expressed his love (I think he used that word) and admiration of the work we do, and for that expression of support for this place alone, I urge my colleagues to consider his proposals.

The government provided a paper to members of this place that was aimed at addressing some concerns that have been expressed about undermining the sovereignty of the parliament. Interestingly to me, the paper, in arguing that a nationally consistent approach is best served using the adopting model, referred to patient safety and scope of practice issues.

The example given was that current restrictions to spinal manipulation were only limited to the cervical spine, or neck. However, it could be anticipated in future that restrictions should be extended to the rest of the spine, which would enable a faster response to emerging concerns regarding the need for safer practice and which practitioners should be able to use which techniques, or scope of practice. The paper referred to chiropractors, but it is also a practice that is common among physiotherapists, even those who do not have further qualifications in that area.

I found that argument interesting because the flip side of implementing nationwide change through the changing of an act of parliament in the Queensland jurisdiction is the possibility that at some point the ministerial council may dumb down qualifications, training and scope of practice to address skills shortages or to cut training costs, which certainly would not be in the interests of patient safety.

This issue was actually raised in the Senate Community Affairs Legislation Committee, which reported in August last year. The inquiry made three recommendations which have been adopted by the Australian Health Workforce Ministerial Council. These recommendations were that, in accreditation matters, when the ministerial council makes a decision which may be perceived as having a negative impact on standards, it must consider the impact on safety and care; it must also publish the reasons for such decisions; and there were other changes to the composition of boards to enable them to be more flexible, rather than a one-size-fits-all approach.

At this point I will make a slight diversion to put a question on the record. The Hon. Ann Bressington referred to the recent passing of the credit bills that have the effect of nationalising consumer credit law. The rationale for those was that nationalisation would mean harmonisation between the states: it is easier for one national law to keep pace with market changes, as it is for one regulator to enforce the laws.

I think that there is a significant difference between the transfer of credit to the commonwealth and what this parliament is being asked to do here. I return, in this sense, to part of the constitutional debates. In relation to consumer credit transferring from the states to the commonwealth, the scope of regulation in relation to consumer credit in 2010 really is a mere remnant of what it once was when we compare the regulating bodies, OCBA and ASIC. ASIC is a commonwealth resourced, muscular organisation, which is focused on many financial instruments already, including banking, insurance and so forth, whereas OCBA has a broader role and necessarily lacks that sort of financial expertise. So what we have before us today is a shift from a set of fully operational state-based boards, which deal on a day-to-day basis with registration, accreditation and disciplinary matters. Their primary responsibility is going to transfer to the new NRAS. I suspect there will be a number of teething problems.

So that is by way of a fairly long introduction to my question, which is that in relation to the consumer credit bills, the relevant minister sought, through the ministerial council process, a number of what she referred to as 'carveouts'. My question for the government is: were any of these sought, either by the South Australian minister, or indeed any other minister? Did the ministerial council discuss unintended consequences upon any of our state's health statutes? There is a list of statutes in clause 7 of the bill, but it does not refer to any health-related ones.

It is interesting to note how this new ministerial council will be structured. The Hon. Stephen Wade stated that, contrary to the information provided in the briefing, it needs a majority decision, not a unanimous one, to change the legislation. So, in effect, if South Australia disagrees with the majority decision, it does not have a remedy, let alone the South Australian parliament having any remedy if it disagrees with something that is done by that council.

In theory, if South Australia does not agree with the amendments of the ministerial council, which will in effect change Bill B, it can withdraw from the scheme. However, this must surely be academic, as what is the likelihood of any jurisdiction seeking to re-establish all of those statutes and systems that it has had in place, at what cost and inconvenience in the meantime to health professionals, and a further risk of completely stuffing up the process and having some sort of embarrassing disaster take place by some dodgy person managing to get themselves registered in that state? I would have thought that it would be far more likely that an agreed jurisdiction would

have to negotiate at ministerial council level, but this provides no guarantee that the jurisdiction will get what it needs.

For that reason, we have an amendment to the bill, which will state that the South Australian parliament is not automatically required to adopt any changes to Bill B. I seek leave to conclude my remarks.

Leave granted; debate adjourned.

PARLIAMENTARY COMMITTEES (MEMBERSHIP OF COMMITTEES) AMENDMENT BILL

The House of Assembly agreed to the bill without any amendment.

CREDIT (COMMONWEALTH POWERS) BILL

The House of Assembly agreed to the bill without any amendment.

CREDIT (TRANSITIONAL ARRANGEMENTS) BILL

The House of Assembly agreed to the bill without any amendment.

At 18:25 the council adjourned until Wednesday 23 June 2010 at 14:15.