LEGISLATIVE COUNCIL

Wednesday 15 September 2010

The PRESIDENT (Hon. R.K. Sneath) took the chair at 14:19 and read prayers.

LEGISLATIVE REVIEW COMMITTEE

The Hon. R.P. WORTLEY (14:19): I bring up the eighth report of the committee.

Report received.

PAPERS

The following papers were laid on the table:

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

Government Boards and Committees Information—Listing of Boards and Committees by Portfolio as at 30 June 2010—Report

Low Emission Vehicles—Government Response to advice received from the Premier's Climate Change Council

POLICE ATTENDANCE PROCEDURE

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) (14:20): I table a copy of a ministerial statement relating to the murder of Pirjo Kemppainen made earlier today in another place by my colleague the Minister for Police.

MURRAY RIVER WATER ALLOCATIONS

The Hon. G.E. GAGO (Minister for State/Local Government Relations, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister for the City of Adelaide) (14:20): I table a copy of a ministerial statement relating to amendments to the River Murray Drought Water Allocation Decision Framework made earlier today in another place by my colleague the Hon. Paul Caica.

QUESTION TIME

POLICE ATTENDANCE PROCEDURE

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:22): I seek leave to make a brief explanation before asking the Minister for Urban Development and Planning, representing the Minister for Police, a question in relation to the murder at Callington.

Leave granted.

The Hon. D.W. RIDGWAY: As members would be well aware, on the weekend a woman was bashed to death inside her home at Callington. At the time of calling the 131444 number, a glass pane on her back door had been smashed, but there was supposedly no offender on the property. The call taker made the decision to take an incident report, but did not pass the call on to the communications centre of SAPOL for possible dispatch. Some time later her body was found in the home.

I have since spoken to an employee within SAPOL communications branch. I am told that there is an unwritten policy that a patrol will not be dispatched unless an offender is on the property of the caller. I am told that there is no written policy which states the circumstances in which the details of the call should be passed on to a supervisor. I am informed that these two points have led to a mentality in call centres where the call taker will usually not bother passing on the details of a call unless an offender is allegedly present. My questions to the minister are:

1. Is there a policy that generally outlines the circumstances in which a caller in the SAPOL communications branch should relay the details of the call to their supervisor?

2. Is there a policy, written or otherwise, which states that dispatch will occur only if an offender is present on the caller's property?

3. How can a caller be aware of the proximity of an offender in circumstances such as it being 12.35am, being dark outside her house, with the caller inside the home unable to observe the property externally, such as was the case with this tragic event in Callington?

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) (14:24): I just tabled a ministerial statement from the Minister for Police in relation to those events. Perhaps I should just, for the benefit of the council, read it out. It is a relatively brief statement, but it does indicate what action the government is taking in relation to that, and I think we should await that before we further speculate. For the benefit of the council, I will read the statement:

Madam Speaker, yesterday I advised the house that a comprehensive review would be conducted into a call to the 131 444 police assistance line on September 11, when Ms Pirjo Kemppainen reported a rock throwing incident at her house in Callington. The call centre operator took a police incident report but did not refer the matter to the Police Communications Branch. I am advised that the Commissioner of Police has declared this matter a significant incident investigation; consequently, an investigation will be conducted to:

- examine the handling of this matter at the call centre, including action taken in response to the call;
- review the relevant standard operating procedures, level of training and supervision for call centre operators; and
- advise on (i) deficiencies in the manner in which the call was handled; (ii) any matter which may have contributed to the way the call was handled; (iii) whether any changes to policy and procedures, training, supervision or any other matter, are needed.

The Commissioner of Police has also requested Ms Sarah Bolt, head of the Police Complaints Authority, to independently review the conduct of the investigation, and its conclusions and recommendations. The independent Police Complaints Authority has agreed to the Commissioner's request. The Commissioner has acknowledged that police should have attended at Callington. It is now important that SAPOL immediately assess its internal processes and ensures all staff have a clear understanding of their responsibilities when receiving a call that may impact upon the safety of a person. The police investigation, and its outcomes, will be independently reviewed. It is expected the investigation will be completed within a short period.

I think the relevant part of that statement by the minister is that an investigation will be conducted to review the relevant standard operating procedures and the handling of the matter. We would all be advised to await the outcome of that report which, as the minister says, is expected to be completed within a short period of time; and then, if there are any lessons that come from that or if there are deficiencies in the procedures, I am sure that all will be revealed in the outcome of this investigation.

POLICE ATTENDANCE PROCEDURE

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:27): A supplementary question: will the minister take my questions to the Minister for Police and bring back an answer, rather than trying to fob it off in this pathetic manner?

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) (14:27): I am quite happy to do that, but I can imagine what the answer will be from the Minister for Police; it will be, 'Read my statement.' Not only is there an investigation into that matter going on but also, in addition to that, I understand from the media, arrests have been made and there may well be matters relevant to subsequent trials. The contents of such matters might well be subject to those proceedings, so I think the sensible thing for members to do—and I know most people in this house are sensible—will be to await the investigation. It is appropriate that there is an investigation; the minister is doing his job in that respect; and when we get the investigation, as I said, it will clarify what the current policies are and, if there are deficiencies, how they could be rectified.

RESIDENTIAL ENERGY EFFICIENCY SCHEME

The Hon. J.M.A. LENSINK (14:28): I seek leave to make an explanation before directing a question to the Minister for Consumer Affairs on the subject of the Residential Energy Efficiency Scheme (REES) and OCBA's investigations.

Leave granted.

The Hon. J.M.A. LENSINK: Earlier this year I asked a question of the minister on 11 May in relation to the robustness of licensing and regulation of building contractors involved in the federal home insulation bungle. At that stage, the minister stated:

OCBA commenced a fairly significant compliance campaign in July 2009...A number of them are under investigation.

The minister also stated in that response that South Australia was in a very strong position because of our tighter regulation to monitor the installation of insulation in this state compared with other states.

My office and, clearly, *The Advertiser* newspaper have come across some dodgy practices within the REES scheme. It has been stated that OCBA needs to investigate some 1,000 homes believed to have been insulated with inappropriate products and that there are some homes that are also more vulnerable to fires due to installation by unlicensed and unqualified persons. My questions are:

1. Were any of those businesses and/or individuals the minister stated were under investigation relating to the home insulation scheme the same businesses and/or individuals that are now being investigated under the REES scheme?

2. Given that the large number of homes and homeowners who have been put into a very vulnerable position through REES, does the minister now consider that the regulation regime requires reform?

3. Given that ESCOSA has ruled out taking any action, can the minister guarantee that some compliance penalties will be attempted to be applied against energy retailers and/or their contractors?

The Hon. G.E. GAGO (Minister for State/Local Government Relations, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister for the City of Adelaide) (14:30): I thank the honourable member for her important questions. In terms of the REES scheme, which commenced on 1 January 2009 and was administered by the Essential Services Commission of South Australia (ESCOSA), under that scheme, electricity and gas retailers and their contractors offer incentives, as we know, to adopt energy saving measures, including lowering showerheads, draft proofing and also installation of insulation. The scheme obviously aims to reduce power bills and greenhouse gas emissions, and it has a particular focus on low income families, who are obviously the most vulnerable to the costs of energy.

ESCOSA undertook an audit of the REES and found that approximately 1,250 homes had insulation installed by a small number of unlicensed or incorrectly licensed companies. I am advised that all of the companies became appropriately licensed in 2009. I am further advised that, of the 1,250 households, only 51 had insulation installed without a qualified and licensed supervisor present. So, they are obviously the households that were of most concern to us.

Safety checks have been undertaken on 30 of these 51 householders, I have been advised. Both electricity and gas retailers and OCBA are endeavouring to contact the remaining 21 households. I have been advised that, of those, some have indicated that they don't wish to be audited; others have simply not responded to the correspondence that has been left for them. I understand that, where possible, emails have been sent. I am also advised that, where possible, doorknocking has also occurred. My advice is that quite significant attempts have been made to contact those 21 households.

I would like to take this opportunity to remind members that, if anyone has concerns about the safety of their insulation, they obviously should make sure they have a licensed electrician come out to check that insulation, and they should contact the Department of Climate Change and Energy Efficiency if the insulation was installed as part of the federal government's home insulation program. OCBA will continue to work with ESCOSA to ensure that only appropriately qualified and licensed contractors participate in that REES scheme. In terms of the specific question the honourable member asked me about the overlap of householders, I would need to take that part of the question on notice and bring back a response.

RESIDENTIAL ENERGY EFFICIENCY SCHEME

The Hon. J.M.A. LENSINK (14:33): I have a supplementary question deriving from the answer, and perhaps the minister could take this on notice. Is the minister saying that no fines or penalties have actually been applied to the building work contractors who were found to be in breach?

The Hon. G.E. GAGO (Minister for State/Local Government Relations, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister for the City of Adelaide) (14:34): I will have to take that on notice and bring back a response.

FEMALE GENITAL MUTILATION

The Hon. S.G. WADE (14:34): I seek leave to make a brief explanation before asking the Minister for the Status of Women a question relating to female genital mutilation.

Leave granted.

The Hon. S.G. WADE: The World Health Organisation estimates that between 100 million and 140 million girls and women worldwide are living with the consequences of female genital mutilation. WHO considers that women and girls in certain immigrant communities in North America and Europe are among the groups at risk. In South Australia the practice of female genital mutilation is a child protection matter under the Children's Protection Act and a criminal offence under the Criminal Law Consolidation Act 1935.

On 23 September 2009 *The Advertiser* published an article entitled 'Child genital mutilation seen as illegal torture'. The article referred to a UniSA report which stated that, while some Families SA child abuse workers see FGM as wrong, they consider that we need to be very sensitive in how we deal with that issue. In response, Professor Freda Briggs is quoted as saying:

> This attitude is unacceptable. This is an offence under Australian law and they should throw the book at them—there is no shade of grey in it.

Following this report, on 13 October last year—11 months ago—I asked the minister a question in relation to the government's position and its action on FGM. In response the minister undertook to come back with details of what the government was doing in relation to FGM. Eleven months later I understand that I have not received a response to my questions.

At the risk of repeating myself, I repeat the two questions I asked the minister last year. Will the government make an unequivocal statement that it will enforce the laws of this state against female genital mutilation? Secondly, what is the government doing to ensure that relevant cultural communities are aware that female genital mutilation is not legal in South Australia? To add to my questions I also ask the minister: how many mandatory notification reports have been received by Families SA for each of the last five financial years relating to female genital mutilation, and what proportion were acted upon and resolved?

The Hon. G.E. GAGO (Minister for State/Local Government Relations, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister for the City of Adelaide) (14:36): I thank the honourable member for his most important questions pertaining to the very serious matter of female genital mutilation. I believe I indicated at the time that this was an issue that involved other portfolio areas—particularly child protection, as well as health. Given the offence components, it also pertains to criminal acts.

I certainly regret that no response has been forthcoming. Clearly, it involves the coordination of information across a number of different agencies. It does not reflect the fact that there has been a great deal of concern and consideration, and that activity has been undertaken by this government; as I said, it is probably a reflection of the fact that it requires coordination amongst agencies. I will look into the matter and commit to bringing back a response.

ENERGY EFFICIENCY RATINGS

The Hon. B.V. FINNIGAN (14:37): My question is to the Leader of the Government, the Minister for Urban Development and Planning. Will the minister advise the chamber on the introduction of six-star energy efficiency ratings for new housing in South Australia?

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) (14:37): I thank the honourable member for his question. As previously advised in this place, six-star energy efficiency requirements for new housing came into force in South Australia from 1 September this year.

Members would be aware of the COAG agreement in 2009 to raise the bar on the acceptable level of energy efficiency requirements for all new homes built across the nation from five-star to six-star energy efficiency ratings on 1 May 2011. Earlier this year the Rann government

announced that it would bring forward the introduction of six-star energy efficiency requirements for all new homes from 1 September this year. At the time the government consulted with industry to provide them with the necessary time to allow these changes to take place.

As a result, South Australia is one of the first jurisdictions to adopt improved efficient energy standards, making six-star energy efficiency requirements mandatory for new homes and extensions. South Australia leads the nation in this important area of energy efficiency and housing construction.

To achieve six stars, a house will require increased levels of insulation in walls, floors (where they are not an on-ground concrete slab) and roofs, and tighter requirements on glazing and shading, depending on the orientation. The implementation of a six-star rating for new housing is expected to decrease energy loads for heating and cooling by almost a quarter of existing demands from five-star rated homes.

Reducing the energy load to cool and heat a home can save homeowners up to $340 a year from their energy bills, depending on the size of the house and the number of rooms. This is good news for homeowners, who will be able to pocket the savings; and, importantly, these lower running costs also mean a reduction in greenhouse gas emissions.

I know that builders and developers in South Australia have taken up the challenge, working on six-star rated designs which make the most of natural lighting and shading in a way that can help to reduce energy consumption and running costs. Further to this, restrictions on the power levels of lighting will contribute to energy use reductions.

Research and modelling undertaken by both the Australian Building Codes Board and locally through the Land Management Corporation indicate that six stars is easy for many home builders to achieve at minimal cost, provided house designs are appropriate and have good orientation. The Rann government has listened to the community in regard to the implementation of the six-star energy efficiency initiative.

We were recently alerted to the challenges faced by industry to implement the six-star energy requirements for transportable homes in South Australia. Due to the specific challenges for the manufacturers of transportable homes, the South Australian government agreed to an industry request to exempt transportable homes from the six-star energy rating until 1 May next year. This delay should provide the transportable housing industry with further time to modify their designs to meet the six-star energy efficiency requirement in all climate zones across South Australia. In the interim, the transportable housing industry will need to continue to meet the five-star energy efficiency rating.

The government recognises that transportable homes are widely used for housing across South Australia, particularly in rural, regional and remote areas. For South Australians residing in rural and remote areas, transportable homes are often not just the most affordable type of housing but for many they are the only type of new housing available. The interim arrangements for transportable homes recognise the specific challenges for this sector of the housing industry. The state government has listened, has considered it and has implemented a response that is in the best interests of South Australian homebuyers as well as industry.

In preparation for the move to six stars, the Land Management Corporation has conducted some very successful programs to inform industry of what is required to move from five to six stars: these include having a target for 25 per cent of houses in its residential land releases to meet the six-star standard (that was obviously prior to being mandated); undertaking research and advising 14 different builders at Playford Alive on the cost options in delivering six-star housing on one of its housing products; and at Light's View at Northgate, a joint venture with the Canberra Investment Corporation, requiring a minimum of six stars for all housing.

The state government has shown that it can lead the nation, moving forward on energy efficiency for new homes. Importantly, the state government has continued its willingness to listen to the views of industry and to appropriately respond after consideration of all the facts provided and implement a response in the best interests of South Australians.

ENERGY EFFICIENCY RATINGS

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:42): I have a supplementary question: will the minister provide us with what were the cost options for moving from five stars to six stars at Light's View, to which he referred in his answer?

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) (14:43): Obviously, that is a matter for the Land Management Corporation. I will see if I can get for the honourable member that information from the appropriate minister The whole idea is that, if you have good orientation and appropriate good planning, the cost should be minimal. However, I will see what further information I can get from the LMC.

ENERGY EFFICIENCY RATINGS

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:43): I have a further supplementary question: will the minister also provide information as to what the final retail cost difference will be to first home buyers from a five-star energy efficient home to a now mandatory six-star energy efficient home?

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) (14:43): It would obviously depend on the builder and the location. Even in relation to transportable homes, for example, there are three climate zones. Obviously, the most difficult to achieve, the six-star, are those in the more remote parts of the state, the Far North, where the temperature extremes are higher. For that sort of housing alone there would be different estimates about what might be required to bring houses to the six-star rating.

As I indicated in my answer, part of the way we get energy efficiency is with preventing energy loss through the floor of the house in winter. If a house is built on a slab it is much easier to achieve than with transportable housing, and that is one of the reasons why in those remote areas it has proved much more difficult for builders to reach the six-star rating without a very significant increase in costs. That is why we intend, in relation to that type of housing in those remote areas, working with them to find more affordable ways that we can get that type of housing to meet six-star.

If one were in the South-East it might well be easier to meet the ratings than in other parts of the state. Apart from climate orientation of buildings, there are many factors which determine the additional cost to go from five-star to six-star, and that is why it would be virtually impossible to get one definitive value. A number of different figures would answer that question, depending on the location of the house.

SEAFORD HEIGHTS DEVELOPMENT

The Hon. R.L. BROKENSHIRE (14:45): I seek leave to make a brief explanation before asking the leader and Minister for Urban Development and Planning a question regarding the Seaford Heights development.

Leave granted.

The Hon. R.L. BROKENSHIRE: I begin my explanation by referring back to an overseas trip that I took to the Napa Valley in California in 1996. The valley is protected, thanks to a series of initiatives, the Williamson Act giving land tax exemption for farmers who would leave their farms as agricultural land for 10 years, plus Measures J and N in the California legislature. The impact of the Williamson reform was initially to preserve some 93 square kilometres of agricultural land but has since expanded to 121 square kilometres.

In 1990 the local voters passed Measure J, the long title being the Napa Valley Agricultural Lands Preservation Initiative. The initiative prevented any rezoning in the area until 2020 unless two-thirds of voters approved of it. Measure P, in 2008, by a 62 per cent majority, extended Measure J by 50 years to 2058. The Williamson Act, Measures J and P have together enabled the protection of the agricultural character and fame of the Napa Valley from urban sprawl.

That brings me back to the question of Seaford Heights, which falls within the bounds of the Willunga Basin as defined by my bill for protecting the basin, a bill which the government refuses to support, even though it is modelled on the Swan Valley in Western Australia and carries the spirit of the Napa Valley in Measure J. Seaford Heights is in the press as recently as today, in the *Southern Times Messenger* with Mayor Rosenberg commenting on Onkaparinga council declining to proceed with rezoning the area before it went to caretaker mode.

The minister told *The Advertiser* on 11 September that this 'leaves the government with little alternative but to take over its responsibilities to finalise this'. In today's Messenger the local

member for Mawson states he wants to see development of the site delayed until long-term planning of the Willunga Basin has been completed. He states, '…one thing is for certain, we only get to give away this dirt once'. My questions therefore are:

1. Is it a fait accompli that the minister will rubberstamp this approval, now that it has been handed back to him, without listening to the community?

2. Will the government now support my Willunga Basin Protection Bill?

3. If the government will not support my Willunga Basin Protection Bill, does it intend to give kudos to the local member or the government by rebadging my bill and bringing it in as its own bill?

4. Is this government serious about protecting the Willunga Basin's unique characteristics and agricultural and economic opportunities for jobs from urban sprawl?

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) (14:48): The first question asked by the honourable member was whether it was a fait accompli that the government would rubberstamp the proposal. I think first of all I should explain to the council exactly what it is at stake here and what the City of Onkaparinga has been studying.

The City of Onkaparinga prepared the Seaford Heights Development Plan Amendment to update the existing Seaford area structure plan and introduce supporting policy and related zone amendments. I remind the council—and the honourable member asked a question about this late last session—that this land has been zoned residential and set aside in various urban growth boundaries under previous governments now for at least 20 years. It has always been envisaged that Seaford Heights would become part of the future growth, and of course part of that area adjoins where the new rail corridor would bring rail to the southern suburbs.

Concurrent public and agency consultation on the development plan amendment, which was being prepared by the City of Onkaparinga, commenced on 13 May 2010 and concluded on 9 July 2010, including a public hearing on 27 July. The subject land of 77 hectares, as I said, has actually been zoned for residential purposes since 1989, and accordingly it was within the urban growth boundary when that was introduced into the planning strategy earlier this decade.

The Land Management Corporation is the developer, and Fairmont Homes has been appointed by the LMC to develop the first stage of the development site. The specific details of how this land will be developed for urban purposes is being updated through the DPA and includes additional commercial land and centres to provide services and employment for local residents. Those details are broadly consistent with implementing the 30-Year Plan for Greater Adelaide.

As the honourable member said, we are now on the verge of council elections, having gone through this process for some time. I understand that the council members, who had all been briefed on the development plan amendment and had essentially agreed to this and had been undertaking this work on a development plan amendment for some time, have now decided at the last minute to write to me requesting me to rezone the subject land back to rural, notwithstanding that it has been within the urban growth boundary now for at least two decades.

If every council were to do this, there would be virtually no land left. If every council that had a new greenfield area were to take this attitude, of course, there would be absolutely no land available for any future growth for the city. It is interesting to note that just a few months ago in Melbourne, they had released 25,000 hectares of land for the growth of Melbourne. Here we are talking about 77 hectares that has been in the plan for more than 20 years.

That is why I made the comment that I have little option, I believe, but to take over the process, because it is not just a question of a council changing its mind before an election. There are significant issues that I think one could describe as sovereign risk issues here. If one were to allow this sort of flip-flopping policy to develop when, in good faith, people such as Fairmont Homes have been working on a plan and funding it, as I understand it—and it could be to the tune of up to half a million dollars—then really that would be the end of any future growth in this city.

I know there are those in this parliament who might think that it is a good thing if Adelaide were to cease growing but, given that our population is ageing rapidly and the number of people over 75 will treble in the relatively near future, and given that we are now at the stage where, without population growth, the workforce will start to decline for the first time since the industrial

revolution, I think those who advocate that position might well contemplate what that is going to mean for the future of this state if that were to happen. It is very easy to oppose everything, but one has to live with the consequences of that.

To say that my taking over that process means that it is a fait accompli that I would accept it is not necessarily the case. Clearly if I were to take over the process then I would need to have before me all the submissions that were referred to the council. Prior to this council decision, I had already had discussions with the local member for the area, Mr Leon Bignell.

I know he has some concerns, as do others in the area, about various aspects of that development. I believe that those aspects can be addressed without necessarily rejecting the entire development plan. For example, I know there is concern by winemakers in the southern suburbs about screening any future development from the Victor Harbor Road, but I believe that that can be achieved without necessarily stopping any development on that particular area. If I do take over the development plan—because the council has obviously washed its hands of it—I can assure the council that, if that is the case, I will be looking at all aspects of it, ensuring that any development plan takes into account those reasonable concerns that may have been raised in relation to proposals.

The honourable member raised a number of other questions in relation to the Willunga Basin. Again, I make the point that the Seaford Heights development has been earmarked for residential development for at least two decades. This government is serious about protecting the Willunga Basin. Indeed, I have already written to the council putting a proposal, and I have had lengthy discussions with the local member (Leon Bignell) in relation to what we can do to prevent any further subdivision outside the urban growth boundary within the Willunga Basin.

Earlier this week, I received a response from the council in relation to that matter. I will be making some further announcements shortly as to how we intend to proceed in terms of protecting the Willunga Basin. We are serious about doing it; however, we will not be doing it with the honourable member's bill, because that would mean setting up a huge committee involving dozens of people. As I read it, it would require anyone who wants even to put a shed on a property in the urban areas in the Willunga Basin to obtain approval. What is important is that we have stronger development controls. Again, I have discussed this matter with the local member, Mr Bignell, and I know that he has also looked at what is done interstate and overseas.

The most important measure one can take—and this already exists to some extent in the Barossa Valley—is to put restrictions on subdivision and also building on subdivisions within those high-value primary industry zones. So, the government already has measures underway in relation to that. As I said, I wrote to the council some weeks ago and have just recently received a response. I will take that up and make further statements shortly.

I can assure the honourable member who asked the question that this government and the local member, Mr Bignell, are very serious indeed about protecting the Willunga Basin. In relation to Seaford Heights, as I said, that has been earmarked for urban growth for many years, so I think it is inevitable that growth will appear there. However, in relation to that, we will be making sure that any development plan that is approved for the Seaford Heights area does not have any unnecessary or untoward impact on the McLaren Vale wine district.

SEAFORD HEIGHTS DEVELOPMENT

The Hon. R.L. BROKENSHIRE (14:58): Given the minister's answer where he indicates that he will not support my bill or any amendments to my bill, has he had any discussions on, or does he intend to support, another local member's private bill or, alternatively, introduce a government bill to protect the Willunga Basin in legislation?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Industrial Relations, Minister Assisting the Premier in Public Sector Management) (14:58): We can protect the Willunga Basin by simply changing the development plan. One can certainly pass a bill that duplicates that but, if the development plan over the Willunga Basin agricultural area is changed to prevent subdivision, that is effectively the law. It could be overturned only if one were to appeal to the court. However, if it becomes a non-complying issue under the development plan to subdivide land, then that does have legal effect; it has statutory effect. So, whatever the government is looking at doing in the first instance in terms of whether legislation can achieve any other objectives, I would not rule out that there is not ultimately a role for legislation.

I can say that we had experience of this in areas similar to McLaren Vale. We had this with the Barossa Valley, I think, under one of my planning predecessors—Susan Lenehan or Don Hopgood—who introduced special measures to prevent subdivision within the Barossa Valley. There is no subdivision less than 40 hectares, from memory, and one cannot build on an allotment smaller than 25 hectares, if I recall it correctly. That has been the case in the Barossa for some years and has been effective.

There are also issues in relation to the townships of the Willunga Basin and how their character might be affected and a number of other issues. The member for Mawson is particularly active in looking at these issues, so I would not rule out any further measures along that line. I am saying that the most important short-term action that can be taken under current measures is to, perhaps, look at the development plan for the area, because that does have legal effect on what can happen in that basin.

GATEWAYS TRAINING CAMP

The Hon. I.K. HUNTER (15:01): I seek leave to make a brief explanation before asking the Minister for Consumer Affairs a question about Gateways training camp.

Leave granted.

The Hon. I.K. HUNTER: We know that consumers can be treated unfairly by traders for a number of reasons; often it can be that they are not fully aware of their consumer rights. This applies to the whole community, but today I ask the minister to focus on the consumer rights of Indigenous Australians. Will the minister advise the chamber of action to improve Aboriginal people's knowledge of their consumer rights?

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 thank the honourable member for his question. I was pleased to be informed that OCBA recently delivered training in Alice Springs as part of the Department of Families and Communities Gateways training camp. I understand that the aim of the camp held in August this year was to provide training and development opportunities for a group of about 20 Aboriginal people who had just gained employment as home and community care workers and youth workers. OCBA was asked to participate in the camp by providing information on general consumer protection and also the important matter of financial literacy.

I understand that the presentation included things like tips on avoiding credit traps, managing keycards and pin number security, buying a second-hand car, refund and warranty rights and how to go about making a complaint. I understand that the presentation was extremely well received, with the participants asking many follow-up questions, and apparently it was quite a lively discussion and debate involving OCBA staff. I understand that participant evaluations indicated that OCBA's presentation was a highlight and that further presentations to Aboriginal communities would be welcomed. It is also hoped that these participants will return to their communities with that important information they have gained and share it with their friends and families.

OCBA's role in the Gateways training camp was an opportunity to support the delivery of the National Indigenous Consumer Strategy. This strategy seeks to improve the financial literacy of Aboriginal people, to improve housing access and to improve the behaviour of traders in Aboriginal communities, which is often a vexed issue because of isolation and other related issues. In addition to this important new initiative, OCBA works very closely with other government and fair trading agencies, such as the Australian Competition and Consumer Commission and the Australian Securities and Investment Commission, with a view to tackling problems which emerge concerning things like misuse of book-up and other consumer-related issues.

Members might recall that last November I launched an audio CD in Coober Pedy which was based on the *Talk About Shopping* book, which together with posters is being distributed widely throughout northern South Australia. The CD discusses consumer issues that face people in the lands in English and also APY. It has been translated as well, and it has been done in a way that uses very lively and relevant pictures to make communicating concepts as straightforward and easy to understand as possible.

DISABILITY, UNMET NEEDS

The Hon. K.L. VINCENT (15:05): I seek leave to make an explanation before asking the Minister for State/Local Government Relations, representing the Minister for Disability, a question regarding unmet needs data.

Leave granted.

The Hon. K.L. VINCENT: Last Tuesday, while our nation held its collective breath waiting to see who would form government, the Minister for Disability issued a press release heralding the government's efforts towards bettering the lives of people with disabilities and their families in South Australia. At the same time, the minister published some of the most damning unmet needs data ever seen in this state, that being the unmet needs data for the half year ending June 2010, although I doubt many people have actually been able to access that data, which is hidden away in the depths of the Disability SA website under the title of the Provision of Disability Services in South Australia December 2009.

In her release the minister gave the government a pat on the back for providing an additional 68 families with respite, glossing over the fact that 469 families are still waiting. The minister also noted that 25 people had been provided with supported accommodation places. That may sound grand, but I cannot help thinking of the 1,097 people who are still waiting, 368 of whom are at immediate risk of harm to themselves or others.

The minister noted that there was an overall slight increase in the need for community support, whereas my reading of this data tells me that over the past 12 months there has been a 53 per cent increase in the need of the category one list for community support. I am no maths scholar, but I know enough to know that 53 per cent is hardly slight. However, despite this having been glossed over, I am pleased to say that the minister accepts that there is still much to be done in the disability sector. This is true, because there is much to be done to help the thousands of people still waiting, so my questions to the minister are:

1. When will the minister ensure that the unmet needs data for June 2010 is clearly listed and searchable on the Disability SA website?

2. How much will it cost to clear the new and ever-increasing category one unmet needs list?

3. How long will it take this government to clear the category one unmet needs list?

4. When will this government stop harping on about all that it has done to help people with disabilities in our community and make a real difference?

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) (15:08): I thank the honourable member for her questions and will refer those to the Minister for Disability in another place and bring back a response.

WORKCOVER CORPORATION

The Hon. R.I. LUCAS (15:08): I seek leave to make an explanation prior to directing a question to the Leader of the Government on the subject of WorkCover.

Leave granted.

The Hon. R.I. LUCAS: In August of this year Ms Rosemary McKenzie-Ferguson, on behalf of Work Injured Resource Connection, received a reply to a freedom of information request in relation to the number of suicides among injured workers. In summary, the FOI produced the following information. There have been 14 suicides recorded in the last five years, according to WorkCover, as a result of the case management system, to their knowledge of injured workers who had an active WorkCover claim; that is, they were either receiving WorkCover payments or were in the process of having a WorkCover claim determined. So there were 14 cases of suicide. The response to the FOI also indicated that research conducted in 2001:

> ...indicated that workers on the WorkCover scheme experienced levels of suicide no greater than that prevalent within society in general.

My questions to the minister are:

1. Is the minister concerned about the level of suicide by injured workers being either applicants to WorkCover for a claim or recipients of a WorkCover payment?

2. Does he agree with the WorkCover view expressed in the FOI that workers on the WorkCover scheme experience levels of suicide no greater than that prevalent within society?

3. What actions has he taken as minister to reduce the level of suicides involving WorkCover recipients?

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) (15:10): I think all of us would be concerned about suicides wherever they take place, whether they involve people on workers compensation or occur more generally in the community. Of course, we should take them seriously. Indeed, WorkCover, I know, does take very seriously any indication of a worker contemplating or threatening self-harm or suicide.

Regrettably, the evidence shows that there is a higher incidence of depression and suicide among people who have been out of the workforce (for example, that could be unemployment, not necessarily because of injury) for long periods. It is also recognised that a number of people on the WorkCover scheme suffer from psychological illness.

It is timely, I guess, that the honourable member should ask this question, because just today WorkCover is having a seminar on return to work. The first speaker, Sir Mansel Aylward, an eminent physician from Cardiff in the United Kingdom, by video link made the point that returning to work as soon as it is safely possible to do so is absolutely the best thing one can do for a worker's wellbeing, and that includes their psychological wellbeing.

It is quite clear that, in the case of workers who, for whatever reason, are unable to quickly return to work, albeit with the support of their workmates and others, the longer they are out of work the more likely they are to develop a secondary psychological illness. In his last question, the honourable member asked what actions we have taken. The best thing that one can do is to ensure that workers get back to work as quickly as they can safely do so.

At the return to work awards last night, which coincided with today's seminar, I was very fortunate to hear of cases of workers, some of whom had been very seriously injured but who had all gone back to work. All the award winners last night made the point that it was their drive and commitment to get back to work that was really what kept them sane and kept them going.

If there is any message in relation to any link between being on workers compensation and mental illness, it is that getting back to work as quickly as it is possible to do so is the best solution, and there is overwhelming evidence for that. That is why the focus of WorkCover has to be getting workers back to work as quickly as it is possible to do so.

I think the honourable member's second question was whether I agreed with the statement by WorkCover about those statistics and their relevance to people in the workforce. All I can say is that I have no reason to doubt the statistics WorkCover has given.

It is probably also worth pointing out that WorkCover and its claims agents are highly responsive to situations where a workers compensation claimant may be contemplating or threatening suicide. Employers Mutual and WorkCover staff are trained in critical incident management and suicide intervention and, where necessary, external professional assistance may be required to assist vulnerable workers. This could include SA Ambulance, SA Police assessment and crisis intervention service, the treating doctor, psychiatrists, psychologists and Lifeline. I point out that any costs of that are covered by the scheme.

WorkCover also has arrangements in place with medical institutions and private psychiatric hospitals for emergency admission where required. Of course, all suicides are investigated by the Coroner as a matter of course, and where a claimant attempts or commits suicide WorkCover will investigate to identify any trends or issues that need to be addressed in the scheme.

So yes, I am, and I believe WorkCover is, greatly concerned by anybody who is contemplating or attempting suicide. Our whole focus with return to work schemes, as we speak, is to try to minimise the chances of that happening and, as I said, the evidence shows overwhelmingly that the best way of doing that is getting a worker back to work as quickly as it is safe to do so.

WORKCOVER CORPORATION

The Hon. R.I. LUCAS (15:15): I have a supplementary question. Is the minister prepared to provide a copy to interested members of the research conducted in 2001, to which he has referred? Secondly, I understand a similar research project is currently being conducted; is the minister prepared to give an assurance that he will make publicly available the results of that project, which is looking at the link between workers compensation claimants and fatalities?

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) (15:16): I was not aware that I had referred to any research project in 2001; in fact, I am sure I did not. I just said that there has been overwhelming evidence. Presumably, if the honourable member knows to what he is referring then he probably has a copy of it already and I do not need to provide one.

However, at the conference this morning the eminent Welsh physician presented a paper by video link that talked about the link between illness and health generally and the workforce. He made the point that a large proportion of the population—I think the survey showed up to 20 per cent of people at a time—suffered least one form of illness or injury. It could be musculoskeletal, headaches, any of those things, but people did tend to stay at work. It is only in, I think, one per cent of cases where it becomes so debilitating that they cannot work. That applies whether or not there has been a traumatic workplace injury.

So there is increasing work being done around the world, including this obviously recent research, and I am happy to see what information is available. I am sure most of this is publicly available on the web. The doctor referred today to some research that had taken place in Norway previously. I am sure there is much research around, as there ought to be. It is important that we investigate this matter and do whatever we can to reduce the incidence of mental illness, if for no other reason than for the benefit of the workers concerned.

WORKCOVER CORPORATION

The Hon. A. BRESSINGTON (15:18): I have a supplementary question. Will the minister provide information on the return-to-work initiatives that WorkCover has implemented, given that in the inquiry it admitted that it fell far short of the mark as far as those initiatives went; and what improvements have been made in that area?

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) (15:18): Presenting the awards at last night's function was, in itself, a recognition of the importance of a return to work. There is no doubt that recognising the importance of returning to work is something that is now becoming totally embedded within the WorkCover culture—as it should be. I am probably not in the best position, given the short length of time that I have been minister, to give some relativity in comparing it to what happened in the past, because I am less aware of that. However, I am happy to get a comprehensive list of those measures for the honourable member.

GLADSTONE

The Hon. R.P. WORTLEY (15:19): My question is to the Minister for Urban Development and Planning. Will the minister outline how recent state government funding is assisting in the creation and improvement of public spaces in the township of Gladstone, located in South Australia's Mid North?

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) (15:20): I thank the honourable member for his important question. I was delighted to travel to Gladstone earlier this month to attend and officially open the redevelopment of the main street, including the former railway land opposite the main street. I was joined at this ceremony by the local state member, Mr Geoff Brock (the member for Frome), as well as Mr Allan Woolford, the Chairman of the Northern Areas Council, and several local councillors.

This project to improve the town's main thoroughfare and the adjoining railway land has been made possible through ideas generated from the master plan for Gladstone and funding for capital works, both of which were funded through the Places for People grant funding program. In 2005 this government provided $15,000 for an urban design framework and master plan for Gladstone which identified a series of improvement projects for the town's main street and adjoining railway land.

Two years ago the Northern Areas Council was provided a grant of $180,000 from the Planning and Development Fund to assist design document and capital works for Gladstone's main street. I would like to acknowledge the federal government's $263,000 in funding through the Regional Partnership Program and a further $10,000 from the Regional and Local Community

Infrastructure Program. Additional state funding was secured for the project through a $25,000 grant from the Department of Trade and Economic Development Spencer Gulf Enterprise Zone Fund.

The Northern Areas Council and Gladstone volunteers also dug deep to bring this project to reality, providing $90,000 and $6,000 respectively. This significant funding has paid for capital works to visually improve the town centre, create a multipurpose public space, recognise past events, and improve parking to encourage visitors to stay longer in the township of Gladstone. I should say the development also includes a memorial garden dedicated to the young lives lost at the Quinn's factory explosion in May 2006.

Since the prison was closed several decades ago and, of course, with the changes to the railway that were made with the standardisation of rail lines, Gladstone has suffered a significant downturn over the years. This project, like others in the region, contributes to civic pride and provides a place to gather and contemplate. The Quinn's factory explosion did have a profound effect on the people of Gladstone and so the council are currently contemplating the exact form of this project, but it is only fitting that this major development should include a memorial garden.

I understand that Gladstone residents have greatly appreciated the improvements to their main street, in particular, the improved pedestrian safety created by a landscaped median strip and the development of the playground and picnic area which revitalises a space that was run down and in need of major improvement. It provides local families with a place to meet, where their children can play safety.

The project has also considered the needs of visitors to Gladstone by providing parking specifically available to meet the needs of tourists and visitors with campervans and caravans, which has a range of flow-on benefits for attracting additional business activity. In the past those visitors would be unable to park in the main street and look at the tourist centres and so on but now, with the use of this former railway land (which was fairly unique because it had three different railway gauges), it has now provided some parking specifically for the needs of tourists. That should lead to a range of flow-on benefits for attracting additional business activity.

As members may be aware, the Open Space and Places for People grant funding programs are financed through the Planning and Development Fund and provide grants to councils across South Australia. The Gladstone main street project is just one of many projects where state and local governments are successfully collaborating to achieve long-term benefits for the region.

Similar projects to improve these main street areas are underway in Jamestown and Georgetown, and another project recently began in Laura. This state government, along with the residents of Gladstone, also appreciates assistance from the federal government to help fund this major project.

Attractive public spaces are essential to maintaining the livability of country towns and sustaining a sense of place. This grant typifies the state government's commitment to develop open space and the public realm throughout South Australia.

I conclude by saying that since July 2002 more than $75 million in funding has been provided through the Open Space and Places for People programs. The funding assistance provided by the local, state and federal governments and the voluntary contributions from local residents have combined to improve the main street of Gladstone and provide an outstanding community asset for both local residents and also visitors to the region. I congratulate those volunteers in the Northern Areas Council for the work they have done.

MATTERS OF INTEREST

ITALIAN HERITAGE

The Hon. J.M. GAZZOLA (15:25): I recently had the pleasure of attending the 150th anniversary of the unification of Italy and the 64th celebration of the Republic of Italy, where the government was represented by the Minister for Multicultural Affairs, the Hon. Grace Portolesi. This important event also noted the official farewell of the Consul of Italy for South Australia, Dott. Tommaso Coniglio, whose final address reminds us of the ties that bind and the cultural legacy that we share. It must come as some surprise that this anniversary marks only the 150th year of the unification and the 64th year of Republicanism, given that the Roman Republic and then Empire survived for some 1,000 years.

As we know, South Australia has been settled for 174 years and we are a young country in historical terms. The unification of Italy was no overnight achievement, with the fire of revolution first igniting in 1672, eventually proceeding to unity in 1871. As we know, Rome was not built in a day (I just had to get that one in). Such a lengthy resolution testifies to the degree of political divergence of Italian sovereignties and states under the warring and conflicting authorities of the dominant European powers. That the Risorgimento succeeded under the tutelage of Mazzini, the leadership of Cavour and the strength of Garibaldi is something of a miracle.

The cultural legacy for Australians in the Italian diaspora, the waves of post wars immigration, saw the cultural melding of 20 once independent Italian states with a growing and diverse Australian identity. This is the rich legacy that we enjoy today here in South Australia. There are 57 million Italians in Italy, 76 million around the world and over 100,000 in South Australia, with around 14,000 holding Italian passports. Italian is the second most spoken language after English in this state.

South Australians of Italian heritage are busy people. According to the Consul, there are more than 100 groups with 100 presidents and 100 boards. Since 2007, agreements have been signed between our government and the regions of Apulia, Calabria and Basilicata, adding to the existing agreement with Campania. New agreements are being sought with the regions of Molise, Veneto, Emelia Romagna and the Province of Trento.

We also witness the many delegations from Italy to South Australia and note the delegations undertaken or proposed by the state government. Indeed, as the Premier has often pointed out, we are building on the educational, scientific, business and cultural ties. As an Australian of Italian parents, the address by the Italian Consul reminded me of my parents' migration to Australia 58 years ago, on 11 September, and the great opportunities this country offered and continues to offer for those less fortunate. It also reminded me of the great progress that Italy has made and the contribution it has made to world culture, a living legacy we embrace.

It has not always been plain sailing, though. As a motion in this house moved by the Hon. Carmel Zollo noted, we need to support and champion our front-line connection in the Italian Consulate and the office of the Consul. As Dott. Tommaso Coniglio pointed out in his farewell address, the Italian Ministry of Foreign Affairs has not appointed a successor, nor has it made any comment on the future or otherwise of the consulate in South Australia. As I pointed out in my address to the council on the motion, the presence of the consulate and the office of the Consul are central to our mutual relationship. In closing, I thank and farewell Dott. Coniglio and family, and wish him all the best in his new appointment.

UNION HALL

The Hon. J.M.A. LENSINK (15:29): I rise today to grieve about the appalling decision to delist Union Hall. The minister for conservation—not particularly aptly named in this case—chose to delist Union Hall from the state heritage register against the independent advice of his own heritage council. I note that, in his media performance with his release of 3 September, he focused on the aspects of what it could be replaced with rather than on the heritage issues upon which the council determined it should be listed in the first place.

The Heritage Places Act lists in section 16 seven criteria, and any item or building or other thing which meets only one of those criteria should be listed, according to the act. When the council assessed it earlier this year, it determined that Union Hall met three of the seven criteria and, indeed, the minister's predecessor lauded the heritage council's decision to place Union Hall on the interim list as one of the government's achievements in terms of heritage, which was to be another broken promise by this government.

Union Hall, unfortunately for its own situation, is inconveniently located in a place where the University of Adelaide would like to replace it with its photonics laboratory, something which we would support in principle, but I believe it is a shortsighted decision and that it is attempting to utilise stimulus money for some short-term financial gain.

I would like to refer quite heavily to the National Trust's submission to the council to outline some of Union Hall's credentials, and this follows the items in the act that I referred to before. In reference to section 16(1)(a) in the Heritage Places Act, Union Hall meets the criteria according to the National Trust, because it is inextricably linked with the evolution of South Australia's history. In particular, the Adelaide Festival of Arts was founded in 1960, some two years after Union Hall had been built and is the state's highest profile cultural event.

The play *The Ham Funeral* was refused to be performed at other theatres, and the arts community of the day was able to have it performed at Union Hall, and that became a cause célèbre and a national issue about artistic freedom. It is also the theatre where the first play by Australia's only Nobel Laureate for literature was performed. Further, Union Hall nurtured the development of the State Opera of South Australia, and a number of works composed by Benjamin Britten were performed there.

In relation to the second criterion, it is the only example of a purpose-built live theatre in the functionalist style in South Australia, and it is perhaps the best example of such a theatre in Australia. The third criterion relates to creative aesthetic or technical accomplishment. Union Hall is a rare example of this form of architecture, and it was described in *The Advertiser* on 5 August 1958 as follows:

> The striking new building, strongly reminiscent of the Shakespeare Memorial theatre at Stratford-upon-Avon, England will be a perfect venue for debates, films, music, public addresses and—above all—student theatrical performances.

In regard to the fourth criterion, Union Hall has strong cultural associations for Australia and the South Australian performing arts community. There is a very long list of people who are connected with Union Hall: directors and actors, writers, designers and playwrights including Wal Cherry, George Whaley, Myk Mykyta, Gordon Chater, Keith Conlon, Kamahl, Peter Goers, Dennis Olsen, Zoe Caldwell, Barbara West, Don Barker, Leslie Dayman, Joan Bruce, Don Dunstan, Shaun Micallef, Robyn Archer, Wayne Anthony, Alex Buzo, Bob Ellis and so on, and it was the home for many years of the Adelaide University Theatre Guild, which is the second oldest dramatic society in Australia.

In relation to the fifth criterion, special association with the life or work of a person or organisation, Union Hall is intimately connected with Patrick White.

Time expired.

LIQUID LICORICE

The Hon. R.L. BROKENSHIRE (15:35): It gives me great pleasure to briefly raise two issues, although one of them is not for pleasure: it is a serious matter. First, I want to congratulate TAFE SA and Arts SA. Recently, on a Friday evening, I was having dinner at the Willunga Hotel with my wife and I saw all these young people coming in. I discovered that they were called Liquid Licorice and they were performing for free at the Willunga Hotel as part of a week of young people from TAFE SA and through Arts SA moving around country South Australia to bring their skills and entertainment to country people. So often country people miss out on these opportunities, and it was just fantastic to see them out there.

I spoke to the leaders and congratulated them, and I also observed the excellent behaviour of these young people before they performed. While I was not able to stay for the whole performance, I know that they are talented and gifted in the areas of performance, music and the arts. They were second-year actors from the Adelaide College of the Arts. To me, this is money well spent and will not only enhance their skills and job opportunities but also deliver a great opportunity to country people to enjoy something that is often only enjoyed in Adelaide.

The second point I want to raise relates to WorkCover Corporation and issues regarding the Work Injured Resource Connection group. Like many members of parliament, I have had the pleasure—and it is a real privilege in every respect—to know Rosemary McKenzie-Ferguson, who is a champion for those people who are mostly severely injured and really do not have any advocacy at all other than Rosemary, who heads up the Work Injured Resource Connection, and members of parliament.

I have a feeling that some people in the WorkCover Corporation are not happy with the fact that there is representation and advocacy for injured workers through the Work Injured Resource Connection, but I wonder where else they can go for help. I have met a number of these people. They are not bludgers. They are not on WorkCover because they see it as an easy option. They are severely injured workers who have been failed by WorkCover to deliver a return to work, with both physical and often, as a result of mismanagement and mishandling, mental health issues that need to be addressed.

I have noticed a tendency not only with Work Injured Resource Connection but with other advocacy groups that, as soon as people start to speak up for their democratic rights, they get funding pulled from them by this Labor government. One example is the advocates in the South

Australian Housing Trust Tenants Association and another group representing senior tenants within the Housing Trust. Their money gets pulled because they speak up. That is not democratic.

I note that, whilst WorkCover has an enormous unfunded liability—which does not help injured workers and certainly does not help employers with rates—it does have money to fund and sponsor different programs. I am not knocking those programs at all; in fact, some of those programs are really important. Having said that, sometimes WorkCover offers tens of thousands of dollars in sponsorship and grant funding to organisations. I have appealed for WorkCover Corporation to actually fund the Work Injured Resource Connection. We are not talking about hundreds of thousands of dollars here: we are talking about probably only $30,000 a year to make a real, proactive and positive difference to the future of injured workers.

I will ensure that the minister receives this matter of interest contribution and trust that we will see some common sense adopted; and, instead of working against organisations such as Work Injured Resource Connection, I would like to see the fantastic recognition that should be made of Rosemary McKenzie-Ferguson and her organisation who work tirelessly for injured workers, supported by at least having annual grant funding to allow resourcing and wage components to be made available for them in their efforts to protect injured workers.

Time expired.

YOUTH PARLIAMENT

The Hon. S.G. WADE (15:40): In mid-July around 100 young people converged on Parliament House to take part in the 16th South Australian Youth Parliament program. Youth Parliament South Australia is coordinated by the YMCA, but is fundamentally a program run by young people for young people aged 16 to 25 years. The program takes young people through the process of identifying issues, preparing research, developing solutions and drafting legislation and culminates in a week-long camp that involves debating in this council and the other place. It helps young people to develop their leadership potential and gain an understanding of the political processes while connecting with a diverse range of young leaders from across the state. The program not only has a civic education role but also has proven to be a powerful self-development opportunity for many of these young people who participate.

I had the opportunity to observe parts of a number of debates in Youth Parliament and was struck by the passion with which the youth parliamentarians conveyed what was important to them. One of the contributions I was privileged to hear was a courageous speech by Sarah Nelson, a 16-year-old young woman from Mount Gambier. Given that the Youth Parliament is all about giving a voice to young people, I have limited my comments so that I can read Sarah's speech in full, as follows:

The world is in trouble. The amount and severity of issues currently facing young people is at paramount. Everybody has their own struggles. Their own hurdles they need to cross. For me the biggest issue facing myself and my peers is mental illness. Mental illness in itself is an extremely large issue facing the entirety of the population. Because of this I want to speak solely on anxiety.

Unless you are directly affected by anxiety you would have no idea what it is really like. Your mouth feels dry, it's a struggle to swallow. Your heart is racing so fast you feel dizzy. Your legs turn to jelly as your lungs gasp for air. Somebody reaches out to you and you flinch, or run, or anything you can think of to keep safe. Sometimes people notice: you feel so stupid as though you are a freak. You don't even know why you're behaving like this. Everybody is watching and all you really want is to crawl into a deep dark hole. You try to think of the good times, but in your head there is a voice telling you that you never deserved them.

Of course, this is only one account of anxiety. Symptoms and reactions vary greatly from person to person. Anxiety makes life such a struggle. It affects not only the individual but the people around them. So, what help is available? In cities you have access to councillors, psychiatrists, psychologists, specialists, GPs, doctors, youth facilities, and on and on the list goes. Rural towns do not have this advantage. In Mount Gambier we have school councillors, backlogged GPs and the community mental health service known as CAMHS. CAMHS currently has a six-month waiting list due to such high demand and backlog due to emergencies. Because of this, suicide is one of the biggest killers of youth in Mount Gambier. We need help. Our town is in a situation few could honestly comprehend. Kids are dying.

Every year at YP mental health is brought up, proving to me that it is not just us facing this never-ending battle. We need the government's help. We need the government's support. We need whatever we can get. We are trapped in a struggle that has seemingly no end. I plead, I beg, I implore, please. Help us.

We need the support and action of the government, or there will never be an end. More kids will die. For all those suffering from mental illness, you know what I mean and how I feel. To you all, please keep going, keep going. Maybe we will get the help before it is too late. Wish on an airplane, reach for the stars, buzz like a bee, lean on me, smile, whatever lyric takes your fancy. Live and be proud. When no-one else is there, please contact me and I promise that I will love you. To me you are all amazing or you would not be here.

That is the end of Sarah's speech. You can understand why I was challenged by Sarah's personal courage, her passion and her desire to advocate for her community. Sarah has continued her advocacy by sending me a range of material on mental health in the regions. Unfortunately time does not permit me today to relay that information. I congratulate Sarah and all the 2010 youth parliamentarians and suggest that this council could do well to emulate their courage and passion.

CEREBRAL PALSY AUSTRALIA

The Hon. K.L. VINCENT (15:45): I have recently had the honour of taking up the role of ambassador for Cerebral Palsy Australia—a body that works to create a national focus on cerebral palsy in order to promote the interests, rights, roles and wellbeing of people with cerebral palsy. Today I thought I would do my talk about this condition which, as I am sure you would know, happens to be my disability.

Cerebral palsy (CP) is a physical condition that affects movement. Although the exact cause of CP is not yet known, it is understood that it results from damage to the brain usually before birth. In Australia one in 400 babies are diagnosed with cerebral palsy, making it one of the most common physical disabilities in the country. There are several types of cerebral palsy and each affects the way a person moves. Movements can be unpredictable, muscles can be stiff or tight and, in some cases, people may have shaky movements or tremors. People with cerebral palsy may also have seizures and other impediments affecting their speech, vision, hearing and/or intellect.

I, myself, have the most common form of CP, spastic CP. Physios and doctors have never been able to quite reach agreement on which type of spastic CP I actually have, given that my upper body spasticity is too great to be diplegic, meaning only the lower limbs are affected, and not great enough for me to be quadriplegic, so perhaps it would help if I clarified by saying that I get most of my spasticity in my right leg and left arm with some spasticity in my spine and neck. Imagine clenching your fists and holding them there for about a minute, I am told that that feeling is similar to what I have in my muscles every day.

This affects me and others with my condition in a variety of ways. It is not exactly a secret that walking and I do not get on very well. I can also experience muscle spasms and fatigue related to the tension in my body. Sometimes I may look tired due to this, even when I do not feel particularly fatigued. It is just my muscles saying that they are basically a bit fed up.

Of course, cerebral palsy can also result in a need for support with tasks such as showering, toileting, dressing, cooking, shopping, etc. A report commissioned by CP Australia on the cost of cerebral palsy estimates that 33,797 Australians had cerebral palsy in 2007 at an annual financial cost of $43,431 per person. The cost to the individual is estimated at 36.7 per cent of the total or $306 per week. Unfortunately this means that many people with CP are among those currently on the government's infamous unmet needs list for such services and may even be missing out on vital services that the government does not fund, including physiotherapy for example.

Despite the fact that it can sometimes make my life a little difficult, I can honestly say that cerebral palsy is one of the best things that has ever happened to me in that it has contributed to making me the person I am today and effectively led to my presence in this chamber today. This is why I am very honoured and excited to begin working with Cerebral Palsy Australia and encourage members to keep an eye on this great organisation's important work.

JUVENILE DIABETES RESEARCH FOUNDATION

The Hon. R.P. WORTLEY (15:49): I rise to bring members' attention to an issue that is of particular interest and concern to me—the issue of type 1 diabetes in children and the annual walk to cure diabetes. For some time now, as many members would be aware, I have been involved with the Juvenile Diabetes Research Foundation as a supporter, advocate and fundraiser. The same can be said of the Hon. John Dawkins who is also the vice-chair of the parliamentary junior diabetes support group.

As we draw close to October, I have been reflecting on the impact of that disease on those who manage its ramifications in a constant and very physical way every day. Just contemplate the daily regime of testing, injecting and then testing and injecting again every day and every night, and then the next day and night and the day and night after then—and the weeks, months, years and decades after that. I remind members that the effects of the disease on quality of life are not

absolute but cumulative. Over time, blood vessels and the tissues and organs they supply sustain permanent damage from chronically high levels of blood glucose.

Because it necessarily affects almost every organ in the body, diabetes can result in major complications, including diabetic kidney, eye and nerve disease, among other diseases, and cardiovascular disease, too. Because type 1 diabetes impacts on children and young people at the beginning of their life, rather than in later years, many face these and other such serious complications while they are still young adults.

This condition can affect any child. Not many people would be aware that about nine out of 10 people diagnosed with type 1 diabetes have no family history of the disease, and there are more diagnoses every day. In fact, the rate of new cases in Australian children is increasing. It is already high in comparison to that experienced in other countries for reasons that are currently unknown.

There is only one way for people with type 1 diabetes to achieve not only the quality of life but also the lifespan their caregivers and the community expect and, of course, that way is a cure, and the key to a cure is research. The JDRF is the world's leading non-profit, non-government organisation in regard to funding for diabetes research. In fact, the foundation has been involved with nearly every development in research for some 40 years.

Because of my contact with the foundation, I have been kept abreast of some of the exciting research developments, and I would like to outline some of them today. According to JDRF, already this year, a South Australian woman has become the first person to receive an islet transplant at our very own Queen Elizabeth Hospital.

The type 1 diabetes prevention trial has been launched. This is an exciting study that is being run across Australia and New Zealand by the Diabetes Vaccine Development Centre. Investigators are using an insulin nasal spray vaccine to try to protect people who are genetically at risk of type 1 diabetes.

The federal Labor government's means tested subsidy towards the purchase of an insulin pump for children under 18 who do not have access to private health insurance has been increased. The JDRF-funded trials at Cambridge University have shown that an artificial pancreas dramatically reduces the risk of the potentially deadly hyperglycaemia.

According to a report in *The Lancet*, JDRF-funded research has developed and successfully tested an automated management system that is able to predict and prevent blood sugar fluctuations. The JDRF-funded research in the US has found that a hormone associated with the body's flight or fight instincts prompts beta cells to grow and to produce insulin.

Also in the US, clinical trials, partly funded by the JDRF, have demonstrated the effectiveness of two new therapies for diabetic and muscular oedema (DME), a common health complication of type 1 diabetes that can result in legal blindness. One is laser therapy combined with a drug for age-related macular degeneration. Improvements noted during the trial could enable a person to read or even drive again. An existing blood pressure medication also appears to retard the progress of severe DME in people with type 1 diabetes.

These are encouraging developments but, as always, more time and more funds are needed before we can say that type 1 diabetes or any diabetes is a thing of the past. That is why I am once again inviting members to join the foundation's 2010 Walk to Cure Diabetes on Sunday 17 October here in Adelaide and to generously support those participating in the event. As I have said before, with issues such as these we are all on the same side.

Time expired.

INTERNATIONAL YEAR OF YOUTH

The Hon. T.A. FRANKS (15:54): I rise today to recognise that we are in the United Nation's International Year of Youth, which started in August this year, and to talk about the fantastic contributions being made by young people in Australia not only to human rights but also to the pursuit of the Millennium Development Goals. Members would be aware that there are eight goals, and they include such wonderful things as:

- to eradicate extreme poverty and hunger;
- to achieve universal primary education;
- to promote gender equality and empower women;

- to reduce child mortality;
- to improve maternal health;
- to combat HIV AIDS, malaria and other diseases;
- to ensure environmental sustainability; and
- to develop a global partnership for development.

I recently had the good fortune of coming into contact with two groups of young people that I would like to commend for their work in pursuit of these Millennium Development Goals. The first is the group of girls who were at the camp I attended at the weekend, the Be the Change camp run by the Girl Guides of South Australia. That was a group of 13 to 18 year olds who were focused not only on learning more about the Millennium Development Goals but also on undertaking their own personal projects to pursue those goals within their own lives. I would particularly like to commend the workshop leaders Emma Sheard, Ruth Waterman and Miranda McGlaughin. I would like to acknowledge that Steph Key also attended that conference this past weekend.

Of course, the Girl Guides are well known to us all, and I was very grateful for my Girl Guide biscuits. It was the first time I have ever received them, and I am looking forward to eating them later this week. Another group we would all be aware of—

The Hon. J.S. Lee interjecting:

The Hon. T.A. FRANKS: I can share them with honourable members; indeed, I will bring them to an appropriate place at some stage. The United Nations Youth Association would, of course, enjoy those Girl Guide cookies, but of greater importance is the role its members are playing in improving and pursuing human rights globally and in South Australia. For those who have not encountered the United Nations Youth Association before, these young people are an inspiration. They are acutely aware of their role in society and are active in advocating for change.

In July this year the association held its national youth conference in Perth. It was the largest residential youth camp in Australia, with more than 150 delegates attending the conference from all states and territories—including, of course, South Australia—as well as New Zealand and South Korea. These amazing young people produced a document called the '2010 Youth Change Document', which covers areas as diverse as development, education, environment, Indigenous affairs, international relations, trade and commerce. I highly recommend reading it.

Some of the ideas and initiatives in this document are truly inspirational. They reflect the thoughts and visions of our future leaders and nation builders. The overwhelming message from this inspirational document was one of compassion and cooperation—social, national and international responsibilities that Australia must meet. The document called for Australia to make more of an effort to meet the Millennium Development Goals, and I commend them for this. I do not think we have talked enough about the Millennium Development Goals in Australia, and I do not think we have taken our commitments there seriously. I would hope that this future generation will see that change.

The document that UNYA has produced recognises the key role of education, and also recognises the considerable disparities that currently exist within our own country in areas such as closing the gap between Indigenous Australians and non-Indigenous Australians. Equality in educational access and quality was forefront in the minds of these young people when crafting this document as well, of course, as consistent concern for the environment with regard to not only climate change but also the need for a real awareness of the finite nature of our natural resources. Other areas touched on in the document covered the wide range of Millennium Development Goals.

I believe this document serves as a vision of the future generation, and it demands to be heard and taken seriously, just as the youth of Australia demand to be heard and taken seriously. Despite negative media portrayals, we know that young people are not lazy, are not disengaged or uninterested in politics and the national interest. They can add a vibrant and valuable voice to the national debate, and I believe that they must and deserve to be heard to a larger extent than they are currently. In this International Year of Youth I call on my colleagues in this chamber to encourage young people in their electorates around the state, and young people around the nation, to increase their participation in public life, as it can only enrich our society.

PARLIAMENTARY PROCEDURE

The Hon. M. PARNELL (16:00): I move:

That this council—

1. notes the recent agreements signed between the Australian Greens and the Australian Labor Party, and between the Australian Labor Party and the Independent federal members (Mr Tony Windsor and Mr Rob Oakeshott), in particular, the focus in both documents on improving the processes and integrity of parliament; and

2. requests the Standing Orders Committee to consider amendments involving the following, viz:

   (a) at the beginning of each sitting day, prior to prayers, the President to make an acknowledgement of country;

   (b) questions during question time be limited to forty-five seconds and answers to four minutes;

   (c) answers must be 'directly relevant to the question', with the President to lead on enforcement of the relevance test; and

   (d) the preference in question time for both questioners and ministers to endeavour not to use notes.

As all members are aware, there have been some serious negotiations taking place in Canberra around the formation of the new federal government. Those negotiations have involved the Australian Greens and some of the Independent members of the House of Representatives, in particular, Mr Tony Windsor and Mr Rob Oakeshott. The culmination of those negotiations has been an agreement to support the Gillard Labor government on matters of supply and confidence. As part of those agreements, a range of reforms to parliamentary processes have been committed to by the Labor government.

The motion that I have brought before this council is for us to consider some of those reforms that have been agreed to by the Labor Party in the federal arena as reforms that are worthwhile here at the state level as well. The wording of the motion, as much as possible, reflects the exact words that were used in the agreement reached between the Greens, the Independents and the ALP.

I will start off by saying that there are some things we do in this chamber that are already far better than the arrangements that exist in the federal parliament. If members are looking for a reason as to why that is so, the clearest answer is that this chamber has not been dominated by the government of the day for some three or more decades. There has always been a crossbench that has held the major parties to account.

If we look at the composition of this current Legislative Council we can see (and we know these numbers intimately as members) that there are 21 votes on the floor of the chamber: seven Labor, seven Liberal and seven crossbench. Parliaments over the past several decades have had variations on that theme with a crossbench holding the balance of power.

The Hon. R.P. Wortley interjecting:

The Hon. M. PARNELL: The Hon. Russell Wortley reminds me that there are eight members of the Labor Party. I did mention 'on the floor' because, of course, my attention was also focused on the esteemed President sitting where he does, not on the floor but in the President's chair.

Members interjecting:

The Hon. M. PARNELL: On the floor we have seven, seven and seven.

Members interjecting:

The Hon. M. PARNELL: I am being distracted by these interjections. There are a number of reforms that we considered introducing in this motion, and I have focused on two of them, but I just want to mention in passing some of the other reforms which I think are worthwhile but which do not form part of this motion and which I am interested in bringing back at some stage, preferably in cooperation and collaboration with other members.

One is the question of broadcasting of proceedings of the parliament. That is an excellent way to ensure that the public have access to all that goes on and not just the juiciest bits that the media picks out. Broadcasting on the internet is by far the cheapest and easiest way of doing it. It does not require a dedicated free-to-air television station. The internet, I think, is the vehicle of

choice. We need to reform the order and priority of question time, I believe. Interestingly, in these last two days, the seven crossbench members have had only four questions. We need to remember that the crossbench is, in fact, the same size as the official opposition.

One reform that we could consider here, and I say this with all due respect to our President, is that the President (or the Speaker in the other place) could be required—as he or she is in the UK—to resign from their party to be an independent chairperson of the proceedings of parliament. I have not gone there with this motion, but that is another thing for us to consider.

There are some ongoing issues that a number of us here have talked about: electronic copies of amendments to bills and, again in the electronic realm, the acceptance by parliament of petitions in electronic form. We could also be talking about the involvement of the upper house in the estimates process, although not the sham of a process that occurs in the lower house. We could do much better than that. In any event, I have not incorporated all those reforms into this motion. I have focused on two things: the first is what we now know as an acknowledgement of country and the second, some reforms to question time.

In relation to an acknowledgement of country, I note that my colleague the Hon. Tammy Franks is now the Greens shadow minister for Aboriginal affairs. Also I note that the House of Assembly is starting the day's proceedings with an acknowledgement of country. I am indebted to the people of Reconciliation Australia for their provision of a very succinct guide to what an acknowledgement of country is. I will just refer briefly to that guide. It says:

> An Acknowledgement of Country is a way of showing awareness of and respect for the traditional Aboriginal or Torres Strait Islander owners of the land on which the meeting or event is being held, and of recognising the continuing connection of Aboriginal and Torres Strait Islander peoples to their Country. An acknowledgement of Country can be informal or formal and involves visitors acknowledging the Aboriginal or Torres Strait Islander owners of the land as well as the long and continuing relationship between Indigenous peoples and their Country.
>
> At a meeting, speech or formal occasion, the speaker can begin their proceedings by offering an Acknowledgement of Country. Unlike a Welcome to Country, it can be performed by a non-Indigenous person.

The guide goes on to say:

> There are no set protocols or wording for an Acknowledgement of Country, though often a statement may take the following form.

I have put this in the third person to reflect how such an acknowledgement might occur in this chamber. The words are:

> We would like to acknowledge that this meeting—

this parliament; this council, if you like—

> is being held on the traditional lands of the [Kaurna] people and pay our respect to elders both past and present.

That would be the simplest form of an acknowledgement.

The acknowledgement of country is important, because it does recognise that Aboriginal and Torres Strait Islander peoples were the first Australians and custodians of the land. An acknowledgement of country promotes an awareness of the past and an ongoing connection to the place of Aboriginal and Torres Strait Islander Australians.

Interestingly, I can recall some time ago a rally on the steps of Parliament House, and I was speaking to a senior Ngarrindjeri man. I offered him the chance to come in and have a look around Parliament House. He had never been inside. To my surprise at first and, later, understanding, he said that this was not his place. He felt no great desire or need to come and see inside this place, because he felt it that it had no connection to his people or his world, and he would rather not come in here.

That is a sad indictment on the state of reconciliation, and I think that an important gesture in building bridges would be that we would acknowledge either at the start of each day of parliament or, as they do in the House of Assembly at the start of each week, an acknowledgement of country.

The next lot of reforms that this motion refers to are reforms to question time and, as I have said, the last two days are good examples. There were only two crossbench questions on each of those days. We do need a level of discipline on both the member asking the question and the minister in answering it.

One thing I could have put in this motion was banning Dorothy Dixer questions. I did not put that in because I am sure that the day is soon upon us when one of the government backbenchers desires to ask a tricky question of a minister and put one of their ministers under real pressure to actually make account of themselves and decisions they have made. So, I have not proposed banning such questions.

When it comes to the answers to questions, these need to be relevant, and different ministers have different styles but I think there could be no doubt that there have been frustrations in the past about answers given. My proposal in this motion is that we ask the Standing Orders Committee to have a look at some specific changes. In relation to the timing of questions, I have suggested 45 seconds for a question and four minutes for an answer. That is what the Labor Party agreed to in the federal arena.

Of course, I would be more than happy to accept amendments from other members who might, for example, want to relax those times but who might still insist on a minimum number of questions being asked and that question time continue until we have got to 12, 15 or 20 questions. It might mean a two-hour long question time but at least we would know that we would have the chance to ask questions. For now, however, I am sticking with the one-hour question time, 45-second questions and four-minute answers.

The answers must be directly relevant to the question, and the motion provides that the President is to lead on the enforcement of the relevance test. This is a job that he is called on to do at some time, but I am sure that our President might be assisted by some extra direction in the standing orders to make it really clear that answers to questions have to be directly relevant.

If we are to go to shorter and more succinct questions and answers, then there will be less need for any of us to read our questions or read answers and, in fact, reference to notes should be discouraged. I think that we would find that we have a better question time, a more accountable question time, and I think that is good for our democracy.

In conclusion, I think there are two main ways that we can let the sunshine in, as has been said elsewhere. One of those is to improve our practice, improving the connection between the parliament and the community, and the acknowledgement of country forms part of that. I think it is an idea whose time has well and truly come and we should adopt that practice here in this chamber.

Secondly, in relation to the reforms for question time, question time is one of the most important times of the day. It is the occasion where we get to hold the executive to account. It is the time of day that is of most interest to visitors, whether they be school students or members of the media, and I think all of us in a quiet moment would acknowledge that it does not work as well as it should. I think these improvements will be a genuine reform to our democracy and, as I say, if it is good enough for the federal parliament to be introducing these reforms, it should be good enough here in South Australia.

When we come to vote on this motion, at some time in the future, I particularly look forward to the support of Labor members and I remind them that this was an agreement that was signed by the Labor Party at the federal level and I am sure they are champing at the bit for a chance to introduce these similar reforms in South Australia. I commend the motion to the house.

Debate adjourned on motion of Hon. Mr I.K. Hunter.

CONSENT TO MEDICAL TREATMENT AND PALLIATIVE CARE (PARENTAL CONSENT) AMENDMENT BILL

The Hon. R.L. BROKENSHIRE (16:15): Obtained leave and introduced a bill for an act to amend the Consent to Medical Treatment and Palliative Care Act 1995. Read a first time.

The Hon. R.L. BROKENSHIRE (16:15): I move:

That this bill be now read a second time.

In the last parliament, this bill received support from this chamber at the second reading stage. I look forward to the debate, and I trust there will be a similar outcome during this session. The form of the bill tabled today is slightly different—and I need to ensure that my colleagues are aware of that—from that which I tabled at an earlier time, though the intent is precisely the same, namely that, whenever practically possible, parents should be involved in decisions regarding the medical treatment and procedures carried out on their children. I have amended the original bill after

hearing the concerns raised by some sections of the community, the Youth Affairs Council of South Australia (YACSA) and the Law Society being among those who raised issues with our party.

In my second reading speech on the last occasion, I argued that the current law is tilted squarely in favour of children's rights and is bad for the family because it argues that parents' wishes regarding their children's welfare are irrelevant. Indeed, I note that YACSA's representation to members in this place had nothing positive whatsoever to say about the child-parent relationship. Whilst I concede that its focus is on youth affairs—and I acknowledge that—I do not accept the premise that seems to suggest that parental rights in such circumstances are largely not in the best interests of the child.

Having said that, I acknowledge that some of YACSA's comments are worthy of consideration, and I have taken particular notice of them. In particular, I have sought to recognise in this bill the fact that there are no doubt children 16 years and older, but not yet 18 years of age, who effectively live independent adult lives, for whom parental consent is clearly not in keeping with their maturity and independence.

Therefore, in terms of this bill, we have inserted a new definition of 'independent minor'. The effect of this change is to say that, while moving the definition of child to 18 years of age, we want to make sure that those between 16 and 18 years of age who do live independent lives are recognised and catered for in all respects. We have also made a distinction between medical procedures involving surgery and/or hospitalisation or mental health facility admissions and other treatments such as prescriptions for flu medications or other ailments. That was one of the issues raised by the medical fraternity; they could see some merit but had concerns, I understood, if someone wanted to go to the doctor privately for a prescription. We acknowledge that, so we have amended the bill in that regard.

The requirement for parental consent remains at 16 years for treatments such as prescriptions, etc., but rises to 18 for surgery, hospitalisation, etc. We believe that this recognises the serious nature of surgery or mental health admissions, where it is clearly in the best interests of the child to have parental support. It could be argued that prescriptions should also have been included here as requiring parental consent. There may be instances that colleagues could think of where this might be the case; however, on balance, we consider that surgical and/or mental health interventions are far more serious concerns with often irreversible consequences, where discussions between the child and his or her parents are far more crucial to good outcomes and necessary parental support.

YACSA also noted that, 'At the age of 16 most young people are taking increased responsibility as they continue to prepare themselves for adult life.' I agree; I would argue that the approach we have taken in this bill is to make a distinction between surgical procedures and other medical treatments and to recognise those 16 to 18 year olds who live independent lives is recognition of young people and their developing sense of responsibility. Parents recognise the need to gradually cede their decision making to their children over time, so we argue that this bill respects not only the rights of both the parents and child but also the proper order of things in human development.

The Youth Affairs Council also made a great deal of its belief that young people often do not want to talk to their parents about medical issues. I am sure to some extent they are right. However, in my own experience young people can often be conflicted in as much as they may be somewhat embarrassed about their issue, but at the same time would really appreciate the comfort and support of mum or dad, or in some instances, as with my own family of two girls and a boy, I acknowledge that daughters may only want to talk to their mother. Notwithstanding that, at least they are in a situation of support and comfort from one parent.

In that context these amendments to the Consent to Medical Treatment and Palliative Care Act should be seen as corrective, restoring and encouraging strong lasting relationships between parents and their children which, after all, are lifelong relationships that do not simply cease upon a young person reaching their majority. As with the earlier bill, this bill would not apply in life-threatening situations, and I reinforce that to the house. If it is a life-threatening situation and the parents are not available, clearly you rely totally on the doctors. The emergency provisions of the act will remain. I commend this amendment bill to the council and look forward to contribution and debate from my colleagues in the near future.

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

STANDING ORDERS

The Hon. R.I. LUCAS (16:23): I move:

That this council notes possible changes to the standing orders of the Legislative Council and procedure governing the efficient operation of the Legislative Council.

The Hon. R.L. Brokenshire interjecting:

The Hon. R.I. LUCAS: In addressing this motion I hasten to say, for the benefit of my friend and colleague the Hon. Mr Brokenshire, that I do not intend to speak for a hour, unless sorely provoked. I have some issues I will seek leave to conclude and address on another occasion. This motion is opportune, given that the Hon. Mr Parnell just previously addressed a similar motion in relation to possible changes to standing orders.

This is an issue that I think members of longstanding in this chamber know that I have addressed on at least two or three occasions over a number of years. Given that we are at the start of a new parliamentary term, I thought it appropriate in a non-prescriptive way to raise some issues and seek responses from newer and older members about possible changes to standing orders and processes for moving forward.

I hasten to say at the outset that the views I am expressing are mine and mine alone at this stage. Some of the issues, I know, are shared by some of my colleagues; on others, we have not yet determined a position as a party, as we have not yet determined a position to the most recent motion from the Hon. Mr Parnell. In the past, past versions of our party room have opposed the notion of time limits.

The first thing I wanted to raise is the fundamental issue of how we go about changing standing orders in this chamber. We do have a standing orders committee. It comprises the President and four other members; by convention, it is comprised of two government members and two opposition (or non-government) members. I believe this chamber ought to address the issue of the composition of that standing orders committee, given that we have for a period of 30 years or more had a balance of power situation.

I hasten to say that, while I believe it is highly likely that in most circumstances given the current processes for electing members to this chamber, we are probably likely to continue to have a balance of power situation. My view is that it will not for ever and a day be in the current proportions—that is, where the number of Independent members or Independent and minor party members comprise virtually one third of the total members. Over the 30 years or so where there has been a balance of power in this chamber, it has varied from as small a number as one person holding the balance of power in the period of 1979 to 1982 through to this occasion where it is the equal highest number of non-government, non-opposition members in the chamber, which is seven. So I think we need to contemplate that.

But it is a fundamental proposition, I think, that in relation to the standing orders perhaps the chamber should look at representation on the Standing Orders Committee of someone who represents the Independent and minor party members. Given the diversity of views in that grouping in this chamber, how you would come to an arrangement with that I am not sure. It may well be that it would have to be a nomination process of one of that number to represent their collective interests. The issue would be, of course, if you can never resolve that where would the Standing Orders Committee be left? I think they are issues perhaps that we ought to at least have discussion about and contemplation about.

Certainly if there was an Independent or non-government member, which would make the committee a committee of six, it would still generally be the government of the day. If the President in essence had a casting vote, he would still control that standing orders committee, which it is at the moment. The President is generally the government member, and there are two government members, so three out of the five are government members of the Standing Orders Committee, two are from the opposition. If you went to a situation where you had an Independent or minor party, you would have the potential for a 3/3 split, which could be resolved potentially by a casting vote by the presiding member.

I think it is an issue that ought to be addressed and it is more fundamental than some of the issues that I will raise and the Hon. Mr Parnell has raised, which talks about individual standing orders. I think we need to have a look at the threshold issue and that is the process for change. I have highlighted before that, by convention and practice in this chamber, while the government of the day has controlled the numbers on the Standing Orders Committee, to my recollection standing

orders changes have only ever occurred when there has been agreement of all the collective interests in the Legislative Council. This is quite unlike the House of Assembly where the government of the day rams through changes to standing orders to suit themselves.

I know that, as leader of the government in this chamber for a period of eight years and as leader of the opposition for a longer period than that and working with Labor leaders of the government at the time, in all my experience changes to standing orders have been only when both sides or all interests have agreed, and then there has been a change in the standing orders—but they have been few and far between, I might say. What sometimes occurs is that there is a sessional order where, again, by and large, those sessional orders are agreed. With things like the citizen's right of reply, there was agreement, I think, from all parties and individuals at the time that was first introduced.

So, there are the opportunities for sessional orders. However, in terms of standing orders, the convention and practice has been to move along those lines. If this chamber continues to have up to seven Independents and minor parties, I do not know whether you can continue with the practice where all 22 members in the chamber have to agree before a standing order change goes ahead; I think that is a conversation we ought to engage in. It may well be that, if the government and the official opposition view and a majority of the Independent and minor party view is to support a particular standing order, that might be a convention we could all agree to. I am not suggesting that would be written into the standing orders—it would be far too complicated—but, as I have said, the current convention is not written into the standing orders, anyway.

It is only by convention and practice that we have engaged in changes to our standing orders in a much more consultative way than the House of Assembly and other jurisdictions have in the past, and I hope that will continue. Before I address some of the other issues, I do make the general comment that, in the changes the Hon. Mr Parnell and others have talked about, I think it would be a shame if we lost much of the uniqueness of the Legislative Council and what I believe makes it an effective institution. It is sometimes attractive to look at what is occurring in the federal parliament, the House of Assembly or elsewhere and think, 'Well, why don't we do that here?'

My advice to members, new and longer standing, is to hasten slowly and not make changes that potentially might affect the efficient operation of this chamber and I think the uniqueness of this chamber, which makes it an effective house of review. In making those comments, I had my office do some very quick calculations. We have had this debate in recent times. There is another motion about supposedly family-friendly sitting hours. I acknowledge that we all have different types of families. What might suit one type of family at a particular stage of development will not suit others who have families as well.

One of the issues is, for example, is in relation to the family-friendly sitting hours debate we have had in this chamber. We roughly sit, on a back-of-the-envelope calculation, maybe 250 hours in a year. That is not precise, but it is a rough calculation as to how long we are sitting in this chamber. That is less than about 3 per cent of the total number of hours in a year. A good number of those hours perhaps we are sleeping and other things but, in the total number of hours in a year, we are sitting for about 250 hours, which is less than 3 per cent. In terms of the number of working days, it is probably less than about 15 per cent of the number of working days in a year that we are in this chamber. As we know, a significant part of our work is not in this chamber: it is in the community and in our offices and elsewhere.

I personally do not get caught up too much with this whole issue of the sitting hours of this chamber. I think we have moved remarkably from my first days here, where we did have on occasions sittings until 5, 6 and 7 in the morning and those sorts of things. These days, certainly for the past 10 or 15 years, it is very rarely (maybe once or twice in the last four or five years, towards the end of a session) that we would even get past midnight in terms of the sitting hour. I think there are many other occupations where, with occasional deadlines and things like that, people are working those sorts of hours. So that is not a major issue for me. I think too much time is being spent on concerns that others have about sitting hours in other chambers. My personal view is that I do not think we should get too caught up in relation to major changes to our sitting hours.

It is similar in relation to the debate we will have on question time, and the Hon. Mr Parnell has a view on this. I have spoken about this often, so it will not be a surprise to members to hear that I support the uniqueness of this chamber in relation to having no restrictions on speaking times. That is sorely tested on occasions. The Hon. Ms Bressington made a very long contribution on WorkCover, and I am sure others have similar views about contributions I have made—although I hasten to say none have been of an eight-hour duration. However, those occasions are

infrequent; they are the sorts of things that may happen only once in a member's career on a particular issue that is near and dear to them.

As I said, I caution all of us before we move inexorably down a path of introducing time limits to replicate and reflect the views of House of Assembly members and others that this is the only way to have an efficient parliament. I say that is nonsense. We ought to be judged on the quality of the contributions that members make and the quality of the work the chambers engage in rather than whether you have said it in 10 minutes, 20 minutes, 30 minutes or longer.

With respect to question time, my personal view is that one of the unique aspects of what we can do in the Legislative Council is actually explain a question. We can take time to put on the public record the reason or rationale for why we are putting a question and a point of view to a minister. The House of Assembly cannot do that. It is one paragraph. Under speaker Lewis it was almost just one sentence; other speakers have allowed slightly longer than a sentence or two for an explanation.

I believe that one of the unique attractions of this chamber—and I acknowledge that when you are in opposition it is much more attractive than when you are in government—is that members have the capacity to explain their question. If a member is trying to get an issue up in the media you are able to put enough into the explanation to the question to explain to the media—difficult as it might be on occasions—the reason you are asking that particular question. With the greatest respect to the Hon. Mr Parnell, I do not ever recall a question from him that has gone for 45 seconds. I freely admit that very rarely would I ever have been under 45 seconds; it would only have been if I had not had an explanation for a question.

Why we would want to replicate the atrocities of the federal arrangements, that have been entered into with guns held at collective heads, as a model of efficient and effective operation of the chamber, a house of review such as the Legislative Council, I have no idea. Generally, I have the highest regard for the Hon. Mr Parnell's respect for the conventions and efficient operation of the Legislative Council, but on this one I hold a strongly different view.

I think the approach—which he touched on at the end; perhaps he has heard where some of us might be coming from—is that this chamber might look at what the House of Assembly has done in relation to saying, 'Okay; we will have a minimum number of questions from non-government members.' In the House of Assembly there are 10 non-government member questions in question time. So the incentive is there for the government of the day. If it wants ministers to read out press releases in response to Dorothy Dixer questions non-government members will still get their 10 questions and question time goes for an hour and a half.

If it is important enough for government ministers to read out press releases as responses to Dorothy Dixers then good luck to them. However, our current system gives them an incentive, in doing that, to reduce the number of non-government questions to six or seven or eight, or whatever it might happen to be. By and large I think the averages show that we do get close to between nine and 10—the Hon. Mr. Dawkins keeps these numbers and I am sure he can share them with members—but on occasions it can get down to seven or eight.

If we are going to that, we might have to come to a view—and, if this was the trade-off, I would do it reluctantly—as to whether we have a maximum number of supplementaries on a particular question. Personally, I do not like that. My view is that the uniqueness of this chamber is that, on occasions on an important question, we have had half a dozen different members asking supplementaries on a question. However, this is part of the discussion I think we ought to have.

It is much more productive, in terms of the efficient operation of the chamber, to be talking about minimum numbers of questions and, as I said, I do not currently put my hand up and support some limit on the total number of supplementaries for each question we might have. We would have to do that in some way and then be flexible in terms of the length of question time. The government, if it is relaxed about that, can have a one and a half hour question time because the non-government members would get their questions up.

That is the sort of discussion that we ought to engage in which protects the uniqueness and the effectiveness of this chamber for non-government members in keeping and holding the government to account, rather than a 45-second question which just assists the government of the day, frankly, because the question is just going to be a question and that is it—no explanation.

If the Hon. Ms Bressington has a detailed explanation from a WorkCover claimant outlining some atrocity that WorkCover has committed on that particular person then, briefly, the honourable

member ought to be allowed to explain that in the question so that the minister can be held to account, or an endeavour made to hold the minister to account, on the issue.

The reality is that we know that in many cases the minister will still not answer the question. Great, we have a supplementary but if that does not work the member has at least put it on the public record for the media and others to see, and the explanation for the particular question is part of the *Hansard* record. In the House of Assembly, because you can only do it in a paragraph or a sentence or two, if the minister refuses to answer it and talks about something else, sometimes the media will come to you afterwards and ask, 'What was that question about? What was the explanation? Why were you raising it?' That is one of the dilemmas that they have in the House of Assembly. That is one of the issues that we ought to discuss rather than just what I think is a simplistic 45 seconds on questions.

There are many other issues but I intend to raise only one more today and I will raise a number more when the parliament next sits. The other issue I wanted to raise is one that I have engaged in discussion with over the past 12 to 18 months. It relates to the processes that we as a parliament engage in in terms of the appointment of our clerks. Because our clerks tend to last for 150 years each it is not the sort of issue that is addressed by every parliament. I have been to Victoria and a couple of the other jurisdictions to talk to their clerks and upper house members about their processes, and one hears similar stories: 'I've been in parliament for 20 years and we've never had to address this issue'—because the clerk has always been there.

The circumstances are that there is a range of different procedures which various jurisdictions adopt. My office is still collating a number of the others and that is why I will seek leave to continue my remarks at another date when I have all the information. I have only received some of those responses to which I have personally attended, and there are others where we are awaiting answers. It is fair to say that there are varying procedures that are adopted.

In raising this issue, as a background I highlight the fact that this parliament has previously expressed the view that there are positions which are so important that there needs to be confidence in the person who holds that particular position. For example, before we appoint the Auditor-General of the state or the Electoral Commissioner, there is a reference to the Statutory Officers Committee, which is a joint committee that ensures that both houses are represented in that both the government and the opposition party are represented. It seeks, in that way, to ensure that both the government and the alternative government have confidence in the person who has been appointed to what is seen to be a critically important position in terms of the efficient operation of our democracy, whether that be the Auditor-General in terms of finances or the Electoral Commissioner in terms of our electoral processes.

I put the view that there is no more important person to the operation of this Legislative Council than the position of the Clerk of the Legislative Council. It is absolutely imperative that, whoever holds the position of the Clerk of the Legislative Council, all sides of this chamber—government, opposition and minor parties—have confidence in the integrity, the independence and the capacity of the person who holds the position of the Clerk. I hasten to say that I am sure that all members in this chamber have that confidence in our current Clerk. I do not think there is any member in this chamber who would have known any clerk other than our current Clerk.

If it is important for a position like the Auditor-General and the Electoral Commissioner, then the issue that I am raising in terms of the discussion (and this is just a personal view) is: should we be discussing processes in relation to how we ensure that, in the future, persons who are appointed to the position of clerk have the confidence of all in what is a critical position for our effective operation?

With the greatest respect to you, Mr President (and you are not going to be in the position forever, I assume, but for so long as you are there), I cannot speak for your colleagues in the Labor Party, but personally I am sure that many would have the confidence in the judgment that you would make should you ever be in a position to do so.

We are not talking about current clerks and current presidents. We are talking about processes which, as I have highlighted, will relate to a whole series of future presidents and future possible clerks of the Legislative Council. I am aware of stories in the past of things which might almost have occurred with past presidents and past aspirants for the position of clerk which would not have been in the best interests of the effective operation of the Legislative Council. I do not propose to put any of those on the public record. I just raise the general issue.

I think that, whilst we have that confidence in the current Clerk and the current President, this chamber ought to have that adult discussion. That adult discussion is that, under the current arrangements, it is the decision for the future president, whoever he or she might be he, to make a judgment about whoever the future clerk might be. The president, if you follow the traditional process, will take it through to the cabinet and the Governor in Council, and the recommendation would follow that process.

I understand, and I intend to explore this a bit more before I next speak, that it may well have been that, under speaker Lewis and with the appointment of the Clerk in the House of Assembly, that process might have been short-circuited and it might have gone directly from the speaker to the governor without necessarily the cabinet or the government having a role in that process. I will further explore that between this contribution and my next.

In some other jurisdictions there are different arrangements. Some are a little exotic, and I would not support the example of Victoria. I understand the selection team for the clerk includes the Clerk of the House of Representatives, the Legislative Assembly Speaker and a public service representative. That team makes a recommendation to the Legislative Council president who then makes a recommendation to the governor in council.

In the ACT, which does not have an upper house, of course, under its Public Sector Management Act 1994, the clerk there is appointed on the advice of an appropriate standing committee of the Legislative Assembly and in consultation with the Leader of the Opposition and in consultation with the executive and in accordance with the merit principles set out. They are just a couple of the examples. In New South Wales, my early advice is that it is just simply the recommendation of the Legislative Council president to the governor of the day, which is very similar to the South Australian circumstances.

I conclude my contribution today on that general note and indicate that I am still collecting further details from the other Australian jurisdictions in relation to how that process is conducted, but I did want to raise at the outset this issue for members to think about and hopefully for us to have an adult, rational discussion about it as to what our views might be in terms of what is at some stage in (we hope) the long-distant future a selection and then an appointment of the clerk of the Legislative Council.

The other issues that I will address when I return are the issues that I have raised before, things like time limits on answers for questions on notice, and I highlight what occurs in other jurisdictions where instead of being ignored for up to seven years, ministers are required, at least within a certain number of days, to provide an answer to a question on notice.

I think that is something that hopefully we could again have an adult conversation about and contemplate some changes to standing orders if that is required. There is also the operation of the committees which again I have spoken about on previous occasions and I want to add some further comment. With that, I seek leave to conclude my remarks on another day.

Leave granted; debate adjourned.

HUMAN RIGHTS, BURMA

Adjourned debate on motion of Hon. T.A. Franks:

That this council—

1. notes the 5 March 2010 report of the United Nations (UN) Special Rapporteur on the situation of human rights in Myanmar documents 'a pattern of gross and systematic violation of human rights which has been in place for many years and still continues';

2. notes the Special Rapporteur states these violations 'may entail categories of crimes against humanity or war crimes under the terms of the statute of the International Criminal Court' and recommends that 'UN institutions may consider the possibility to establish a commission of inquiry with a specific fact finding mandate to address the question of international crimes';

3. notes on 9 March 2010 the Burmese regime announced the election laws for the forthcoming election based on the 2008 constitution that excludes political activists who have been arrested, Buddhist monks and nuns and public servants from standing for election, prevents the National League for Democracy (NLD) headed by Aung San Suu Kyi, and winners of the country's last election, from registering if Aung San Suu Kyi remains a party member, and annuls the results of the 1990 election which saw the NLD win more than 80 per cent of the vote; and

4. welcomes the Australian government's indication that it would support investigating possible options for a United Nations commission of inquiry, and—

(a) articulates its support for human rights and democracy in Burma;

(b) calls for the release of each of the 2,100 political prisoners in Burma;

(c) condemns the 2008 constitution as anti-democratic; and

(d) supports the call for all governments to refuse to accept the results of the Burmese elections scheduled to be held later this year unless all political prisoners are unconditionally released and a new democratic constitution is introduced that would permit the full participation of all political parties and individuals and would respect the will of the Burmese people.

(Continued from 21 July 2010.)

The Hon. S.G. WADE (16:52): On behalf of the Liberal opposition, I rise to commend the Hon. Tammy Franks for raising this motion and indicate our support in a modified form. Burma is one of the most repressive regimes in the world and it is a regime operating in our region. Amongst turbulent decades, 2010 marks a significant year of potential political change in Burma. The military regime that currently holds power in Burma has announced that an election will be held later this year, the first in 20 years. The election will be held under a new constitution which was adopted in 2008.

The Burmese government forced this constitution on the people through a referendum in the wake of Cyclone Nargis. Although supposedly approved by over 90 per cent of the electorate, this result is widely regarded as a sham in that voting was either forced or manipulated by the authorities. The new constitution allows for the president to effectively be above the law, government officials to be exempt from punishment for previous violations to human rights and makes the freedom and democracy leader Aung San Suu Kyi ineligible to be elected as president or vice president. Aung San Suu Kyi has become the personification of the struggle of the Burmese people for democracy. She has been under house arrest for 14 of the past 20 years.

Other ethnic minority political opponents and activists have continuously been repressed by the military regime. As has been outlined by Amnesty International's Burma expert Benjamin Zawacki during a visit to Australia in July, some of the human rights violations perpetrated against political opponents have included arbitrary arrests, unfair trials resulting in imprisonment, torture and extrajudicial executions.

It is estimated that the number of political prisoners in Burma is 2,200, but it is feared that it may well be substantially higher. The junta also uses forced labour, land and food confiscation, arbitrary beatings, recruitment of child soldiers, and torture. In 1999, a law was passed explicitly banning forced labour but, unfortunately, the law has never been enforced, and an Amnesty International report in June 2008 documents this failure.

In terms of the 2010 election, there is pessimism over the prospects of an effective and peaceful election being held. The electoral laws passed in March this year prescribe who can become a member of a political party, who can serve in parliament and how acts relating to the election can be penalised. As pointed out by Benjamin Zawacki, these laws violate three of the freedoms that Amnesty International is trying to promote: freedom of expression, freedom of assembly and freedom of association.

Further censorship has been increased, and the media is not authorised to make any critical statements of the election or the electoral laws. It can only be expected that censorship will escalate as the election gets closer. In his most recent report to the United Nations Human Rights Council on 10 March 2010—to which the Hon. Tammy Franks' motion refers—the UN Special Rapporteur for the situation of human rights in Myanmar, Tomas Ojea Quintana, called for the consideration of a commission of inquiry into crimes against humanity and possible war crimes in Myanmar. Australia has indicated its support, and a motion was passed by the Senate on 17 March.

On 8 February 2010, the month before the motion was put in the Senate, the shadow minister for foreign affairs, Julie Bishop, made a statement in the House of Representatives on the situation in Burma. She said that the military junta in Burma stands accused of some of the most serious human rights abuses of any regime in the world. She described it as one of the most repressive regimes in the world. She also stated:

I have called on the Rudd government repeatedly to work with the international community to condemn the Burmese military junta and especially its treatment of Aung San Suu Kyi, who has been under house arrest for a significant part of the past 20 years...The coalition continues to extend its strong support for Aung San Suu Kyi in her efforts at leading her people to freedom and democracy. While the United States has indicated a degree of re-

engagement with Burma, it has retained sanctions and continues to pressure the regime for the release of Aung San Suu Kyi and free elections this year, and that is a position that the coalition supports.

The Liberal opposition in this parliament is happy to associate with our federal colleagues, the Senate, and the Greens in this place, to condemn the military regime in Burma. It is an issue that members of the Australian Greens have raised in different parliaments. The Greens' motions in the different parliaments have differed slightly, one from the other.

Given that the federal parliament, amongst all the parliaments, has the greatest expertise and the primary responsibility for foreign affairs, the Liberal opposition would prefer that this parliament uses the words of the Senate motion. On behalf of the opposition, I therefore move to amend the motion to replace the current words with the words of the Senate motion moved by Senator Ludlam, a Western Australian Greens Senator, as follows:

Leave out all words after 'That this Council' and insert the following:

1. notes that the 10 March 2010 report of the United Nations Special Rapporteur on the situation of human rights in Myanmar documents 'a pattern of gross and systematic violation of human rights which has been in place for many years and still continues';

2. notes that the Special Rapporteur states 'the possibility exists that some of these human rights violations may entail categories of crimes against humanity or war crimes under the terms of the Statute of the International Criminal Court' and recommends that 'UN institutions may consider the possibility to establish a commission of inquiry with a specific fact finding mandate to address the question of international crimes';

3. notes that on 9 March 2010 the Burmese regime announced the election laws for the forthcoming election based on the 2008 constitution that excludes persons serving prison terms and public servants from standing for election, may prevent the National League for Democracy (NLD) headed by Aung San Suu Kyi, and winners of the country's last election, from registering if Aung San Suu Kyi remains a party member, and annuls the results of the 1990 election which saw the NLD win more than 80 per cent of the vote;

4. notes that on 10 March 2010 the United States of America (US) Assistant Secretary of State, Mr. Kurt Campbell, said that the election laws were 'disappointing and regrettable' and the US State Department spokesperson, Dr. Philip Crowley, said 'given the tenor of the election laws that they put forward, there's no hope that this election will be credible'; and

5. welcomes the Government's statement on 15 March 2010 to the UN Human Rights Council expressing its support for 'investigating possible options for the establishment of a United Nations commission of inquiry' and the statement of the US acknowledging the significance of the Special Rapporteur's recommendations to create a commission of inquiry which 'underscores the seriousness of the human rights problems in the country and the pressing need for the international community to find an effective way to address challenges there'.

Debate adjourned on motion of Hon. Carmel Zollo.

ROBE, DOGS

Order of the Day, Private Business, No. 8: Hon. R. P. Wortley to move:

That District Council of Robe By-Law No. 5 concerning dogs, made on 23 September 2009 and laid on the table of this council on 11 May 2010, be disallowed.

The Hon. R.P. WORTLEY (17:00): I move:

That this order of the day be discharged.

Motion carried; order of the day discharged.

ROBE, CATS

Order of the Day, Private Business, No. 9: Hon. R. P. Wortley to move:

That District Council of Robe By-Law No. 6 concerning cats, made on 23 September 2009 and laid on the table of this council on 11 May 2010, be disallowed.

The Hon. R.P. WORTLEY (17:00): I move:

That this order of the day be discharged.

Motion carried; order of the day discharged.

TATIARA, DOGS

Order of the Day, Private Business, No. 10: Hon. R.P. Wortley to move:

That District Council of Tatiara By-Law No. 5 concerning dogs, made on 10 November 2009 and laid on the table of this council on 1 December 2009, be disallowed.

The Hon. R.P. WORTLEY (17:00): I move:

That this order of the day be discharged.

Motion carried; order of the day discharged.

TATIARA, CATS

Order of the Day, Private Business, No. 11: Hon. R.P. Wortley to move:

That District Council of Tatiara By-Law No. 6 concerning cats, made on 10 November 2009 and laid on the table of this council on 1 December 2009, be disallowed.

The Hon. R.P. WORTLEY (17:00): I move:

That this order of the day be discharged.

Motion carried; order of the day discharged.

YANKALILLA, MOVEABLE SIGNS

Order of the Day, Private Business, No. 12: Hon. R.P. Wortley to move:

That District Council of Yankalilla By-Law No. 4 concerning moveable signs, made on 17 September 2009 and laid on the table of this council on 11 May 2010, be disallowed.

The Hon. R.P. WORTLEY (17:01): I move:

That this order of the day be discharged.

Motion carried; order of the day discharged.

YANKALILLA, DOGS

Order of the Day, Private Business, No. 13: Hon. R.P. Wortley to move:

That District Council of Yankalilla By-Law No. 5 concerning dogs, made on 19 November 2009 and laid on the table of this council on 11 May 2010, be disallowed.

The Hon. R.P. WORTLEY (17:01): I move:

That this order of the day be discharged.

Motion carried; order of the day discharged.

ROBE, MOVEABLE SIGNS

Order of the Day, Private Business, No. 16: Hon. R. P. Wortley to move:

That By-law No. 4 of the District Council of Robe concerning moveable signs, made on 8 September 2009 and laid on the table of this council on 11 May 2010, be disallowed.

The Hon. R.P. WORTLEY (17:01): I move:

That this order of the day be discharged.

Motion carried; order of the day discharged.

INDEPENDENT MEDICAL EXAMINERS

Adjourned debate on motion of Hon. A.M. Bressington:

That this council—

1. Calls on the Minister for Industrial Relations to initiate an inquiry into—

   (a) the improper use of interstate independent medical examiners, including allegations of—

      (i) the use of interstate independent medical examiners in preference to South Australian medical practitioners who are suitably qualified and available;

      (ii) interstate independent medical examiners being engaged by claims managers because they are likely to provide a report more favourable to the claims manager's interests; and

      (iii) interstate independent medical examiners engaging in unorthodox practices designed to intimidate injured workers;

   (b) the allegation that Employers Mutual Limited case managers are intentionally deterring South Australian medical practitioners from working as independent medical examiners

by, amongst other things, paying them less than that paid to interstate Independent Medical Examiners and by delaying payment for work completed;

(c) the allegations that Employers Mutual Limited and other claims managers are 'doctor shopping' by engaging multiple independent medical examiners until a report considered favourable is received;

(d) the number of independent medical examinations conducted by interstate independent medical examiners each year over the last four years; and

(e) the number of independent medical examinations conducted and how many injured workers have been required by their case managers to have an assessment by an independent medical examiner each year over the last four years.

2. Requests the minister to table the report on the findings of the inquiry.

(Continued from 23 June 2010.)

The Hon. T.A. FRANKS (17:03): I rise today to speak in support of this motion moved by my honourable colleague, Ann Bressington, calling for an inquiry into the use of interstate independent medical examiners by Employers Mutual Limited. They are done ostensibly to assess the injuries and rehabilitation of injured workers covered by the WorkCover scheme.

A number of questions have been raised about these independent medical examiners. Particularly considering that they receive quite considerable payments for their services, these are questions that need answers. I understand that the accusation made that Employers Mutual Limited has been 'doctor shopping' to find practitioners who will provide them with favourable medical reports with these independent medical examiners has been raised in this place and, of course, in the media. These are extremely serious concerns, and it is the opinion of the Greens that measures must be taken to investigate whether there is foundation to these claims. Of course, if there is no truth to these claims, an inquiry will show this. If there is some substance to these claims, then this is an incredibly serious problem that must be addressed.

In 2008 my Greens colleague the Hon. Mark Parnell came before this chamber and was extremely outspoken, and long spoken, about the poor management of the injured workers and destructive changes that were rammed through this parliament under the amendments to the WorkCover legislation. I think this was shameful and I think the current WorkCover legislation is a shameful piece of legislation that devastates families and rips apart people's lives. Many injured workers have had their lives destroyed by this inadequate system and, overall, we must ensure that this system works for those who are the most vulnerable—the injured and the disabled.

Injured workers suffer enough in terms of physical and psychological harm resulting from their injuries, not to mention the difficulties that they undertake in supporting their families or maintaining mortgages and lifestyles, learning to interact with their children and partner in new ways post-injury has added to this, struggling to find some sort of workplace or community participation post-injury. A great deal of self-esteem and self-worth is, of course, tied up in our jobs. Being unable to return to work, or unable to return to a work that you would want, can be debilitating and attack your own self-esteem as well as that of your family.

Perhaps these individuals do not need to see a litany of doctors and keep going to see the doctors until Employers Mutual finds that a suitable report can be written to remove their entitlements. Perhaps that is what this inquiry will find. If we do not have the inquiry, we will never know. Aside from the welfare and wellbeing of injured workers, the scheme raises the questions of the cost to WorkCover of importing suitable medical opinions from interstate, from across the border. I will be interested to hear the evidence about why we use people from interstate at great expense when there are suitably qualified people in our own state of South Australia.

As my colleague the Hon. Ann Bressington mentioned when she spoke to this motion, there has been a number of media reports discussing the cost of flying in interstate medical examiners. I would imagine that we would not have to do that with our local expertise and perhaps that is just one area that the cost could be saved here rather than the cost being saved from cutting people off of WorkCover inappropriately.

The most relevant article was the *Sunday Mail* article dated 30 May 2010 in which my esteemed colleague was quoted. It cites the cost to the South Australian taxpayers at $3.2 million at the moment to fly in interstate consultants. This is most concerning to the Greens and this is why we are supporting this inquiry. Considering the predicted budget austerity that we are likely to see within the next day, I believe that such an inquiry into the cost of certain practices that seem to be unreasonable is relevant, timely and in the best interests of good government.

The Greens contend that independent medical assessments can be valuable in assessing an appraising the claims of injured workers; however, I also believe the current system as it stands appears to be open to misuse and abuse and the only way we will find that out is to make this inquiry. I commend the motion to the chamber.

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

TORRENS ISLAND QUARANTINE STATION

Adjourned debate on motion of Hon. A. Bressington:

That this council calls on—

1. the Minister for Environment and Conservation to—

   (a) conserve the heritage value of the Torrens Island Quarantine Station and the remaining pristine environment on the northern end of Torrens Island by taking steps to prevent any further industrial development of these sites;

   (b) take steps to restore the Torrens Island Quarantine Station buildings on the South Australian Heritage Register and ensure sufficient funds are available to do so;

   (c) engage in negotiations with the Treasurer with the objective being for the Department of Environment and Heritage to take control of the northern end of Torrens Island, including the site of the former quarantine station, from the Generation Lessor Corporation;

   (d) take steps to provide tourist access to the Torrens Island Quarantine Station and surrounding historical sites and engage in consultation with all relevant parties with a view to facilitating regulated tourism; and

2. the Treasurer to—

   (a) release details of the application before the Development Assessment Commission and of the proposed commercial uses of the proposed allotments; and

   (b) cease moves to further develop Torrens Island and cease negotiations with commercial parties seeking to do so.

(Continued from 21 July 2010.)

The Hon. CARMEL ZOLLO (17:08): I indicate that the government opposes this motion. The government believes that we already have in place, through the legislative requirements of the Development Act 1993 and the Heritage Places Act 1993, a rigorous and thorough statutory process for ensuring that any potential environmental or heritage impacts are considered during the development application process.

I have been advised that the Department of Environment and Natural Resources (DENR) has received a referral for a land division application from the Development Assessment Commission (the commission) for a portion of Torrens Island. The referral is a statutory requirement of the Development Act 1993. This statutory process provides that the commission must have regard to advice from agencies prescribed under schedule 8 of the Development Regulations 2008 prior to making a recommendation to the Minister for Urban Development and Planning for a decision under section 49 of the act.

DENR has received the referral on behalf of staff as delegates of the Coast Protection Board and as delegates of the minister responsible for the Heritage Places Act 1993, the Minister for Environment and Conservation. The application for subdivision proposes to create five additional allotments on Torrens Island by subdividing the two existing allotments into seven allotments.

I am advised that the area encompasses approximately 47 hectares of land and that it is located on the western side of Torrens Island. The land is partly occupied by Origin Energy, with a gas turbine electricity generating plant, as well as containing state heritage places, and is predominantly cleared of vegetation.

As portions of the Torrens Island Quarantine Station are listed as state heritage places (namely, the central complex of buildings, the mortuary, jetties and the cemetery), DENR has asked the proponents, the Generation Lessor Corporation, for more information prior to considering the heritage impact of the proposal. As a consequence, I understand that the proponents are in the process of preparing a heritage impact statement to submit as part of the application.

It is my understanding that the application relates solely to subdivision and not to any new works proposed for the land. I am advised that, if a development application for physical works is received in the future, DENR staff will consider any potential environmental and heritage impacts relating to the proposed development, as will the Development Assessment Commission. This could include, for example, an assessment of potential impacts on the Barker Inlet and Port River to ensure the protection of the Adelaide Dolphin Sanctuary environment, as well as assessing any potential impacts on state heritage places. Any development on the island will also need to be assessed for seawater flooding risk, based on the government's Policy on Coast Protection and New Coastal Development 1991.

As I am sure members are aware, the use of Torrens Island as a quarantine station dates from the 1850s and at various times has served as both an animal and a human quarantine station. Under the proposed land subdivision, one of the seven proposed lots (lot 205) contains the majority of the state heritage listed quarantine station buildings, and proposed lot 206 contains the old mortuary and the cemetery. These surviving structures are evidence of the early methods of infectious disease control in South Australia and are important elements of our cultural history. The cemetery contains nine graves, the majority of which date from the influenza epidemic at the end of the First World War. In more recent years, as members would be aware, power stations have been built at the southern end, with the first being commissioned in 1967.

I note Ms Bressington's desire for DENR to take control of the northern end of Torrens Island, including the site of the former quarantine station. However, it is important to recognise that DENR does not need to own the land to protect state heritage places. While the conservation and maintenance of state heritage places is the responsibility of the owner, the Development Act 1993 provides appropriate procedures to ensure that potential impacts on heritage places are taken into consideration and appropriate conditions of development approval are imposed to ensure that sites are adequately protected and conserved.

I am advised that the provisions of the Development Act and regulations will ensure that any development that may be in or proposed near these state heritage places must be referred to DENR staff as delegates of the Minister for Environment and Conservation. Heritage listing protects our cultural assets through requiring a development application referral, which requires comment on the proposal to ensure that impacts on the heritage are minimised or eliminated.

As I said earlier, my understanding is that the current application before the Development Assessment Commission is for subdivision of land only. I am advised that, should there be a proposal in the future to develop or undertake works in or near the state heritage listed places, the application must be referred to DENR, pursuant to the development regulations, to assess any potential impact on that place and provide advice on how to minimise or eliminate any impact, and that the Development Assessment Commission must have regard to that advice. Under the Development Act 1993, conditions can then be placed on any approval given.

The government believes that there are sufficient checks and balances in current legislation to ensure that any heritage or environmental impacts are addressed and considered during the development application process, and we should therefore let this process run its course. The government opposes the motion.

The Hon. J.M.A. LENSINK (17:15): I rise to make some comments in relation to the honourable member's motion, and I would like to commend her for bringing this matter to the attention of the parliament. It is an important conservation and heritage aspect of South Australia that is tucked away and pretty inaccessible to most people, apart from those who work there for various purposes.

The Liberal opposition has gone through a reasonable amount of due process just to sort out what is the existing zoning, and so forth, of the area and what is proposed, and I am grateful to the many stakeholders who have been very open and transparent and willing to give their time to enable us to do that. So, first and foremost I would like to recognise the honourable member for organising a briefing for all members held at Parliament House in July, as well as a number of speakers she invited to address that briefing. In particular I would like to recognise Mr Aaron Machado of the Australian Marine Wildlife Rescue and Rehabilitation Organisation.

A site visit was organised on 15 July by the honourable member's office, and I attended that along with my colleagues the Hon. David Ridgway, the member for Goyder, Steven Griffiths, and the Hon. John Darley and some of his staff. We were taken up the western side of the island to view the old quarantine station, jetty, burial ground and the northern end, which is a conservation

park. There are a number of heritage and non-heritage buildings and the old jetty, which, I think it is fair to say, are in poor condition.

I understand that a non-government youth organisation spends some time there, as do Star Force officers and Australian Service personnel, so the site has been used as a training ground as well as for recreational purposes. I do not think that has assisted the protection of that site at all, nor have maintenance works been performed there, and that is a shame, particularly given the heritage-listed buildings there. I think there ought to be a conservation management plan—something the National Trust is very strong on—to prevent further deterioration and ensure that the structures there are provided with appropriate protection.

My office looked into the issue of the conservation park, which was one of the issues that Mr Machado raised. I was quite surprised to realise that the majority of the island is, in fact, part of what is called the Torrens Island Conservation Park, which most people believe to be just that northern tip. There are also two new parts which were added in 2005, and that is published in the *Gazette* of 3 March 2005. That took in a fairly large slab of the middle section to the east and the lower south-eastern corner as well so, on my rough looking at it, there is maybe 20 per cent that is not actually contained within that conservation park. The western area, which is slated for rezoning, is, of course, not contained within that conservation park, and honourable members have outlined the process that is being undergone there.

The area in question, in fact, the whole island, is located within the boundaries of the City of Port Adelaide Enfield and is therefore exempt from council jurisdiction. The area for rezoning is under the control of the Generation Lessor Corporation, so the usual requirements for development approval are based entirely on the recommendation of the Development Assessment Panel to the Minister for Urban Development and Planning. I think this process in itself probably leads to some of the consternation that people have, and perhaps to some of the misinformation that does not assist when these matters are before the community. Silence and lack of public information can actually lead to people becoming concerned about matters that are not necessarily as bad as they may appear.

As part of the due process, in terms of visiting that site and having a look, sharing the concerns of Mr Machado, the Liberal opposition also contacted two of the three companies which are seeking to gain parcels of land on that side. One of them is Origin Energy and I think it is fairly obvious that that is at the southernmost part and close to the locality of the existing energy-producing facilities there. That is for peaking power plants.

The middle section is for Maritime Constructions who would like to have coast and harbor access provided following their relocation from the Inner Harbor of Port Adelaide. I have some sympathy for Maritime Constructions which was relocated from the Inner Harbor. Snowdon's Beach, on the other side of the Port River, was supposed to be provided for all of those operations which were originally displaced from the Inner Harbor. The Land Management Corporation, in its usual manner, has denied a number of those operators and so they have been searching for some particular site which would suit their needs, and have perhaps have found something which may suit.

Indeed, I had a recent conversation with the Mayor of Port Adelaide Enfield council Mr Gary Johanson—and I am sure he will not mind me placing this on the public record—and he has obviously taken a keen interest in this issue. He has been seeking to have a site provided on the western side of the Port River, if that is possible. I understand from our discussions that they are ongoing negotiations so that may well eventuate. The meeting with Maritime Constructions last month was very constructive. I understand they are being granted the right to purchase that piece of land (which is known as No. 205) because all their other potential options—such as Flinders Ports and Defence SA sites—at that stage, as they relayed it to us, have been exhausted.

All heavy infrastructure will remain on their land at the Mersey Road site. I believe they were very transparent in their briefing to us and advised that they would undertake extensive efforts to preserve the conservation values of the site. They intend to actually restore the heritage jetty, which I think the National Trust has listed as a structure at risk. They would like to offer greater protection for the heritage listed buildings at the quarantine station and their intention, in terms of the coast, is to undertake minimal dredging of some 4.5 metres adjacent to the river access site, which they intend to offset with a riverfront site on the Osborne side of the Port River so that they can provide mangroves with the right conditions to germinate. They have engaged Bruce Harry and Delta Enviro as their heritage and environment consultants respectively and they have also sought advice from the Coast Protection Board on how best to minimise their impact.

I have also been provided with a briefing from SARDI. It is seeking to gain No. 206 for an aquaculture or algal biofuel pilot plant. It is obviously quite keen to enter into that research area which may hold some great hope for future industry which will be much more environmentally friendly, both in terms of its carbon emissions and in providing cleaner fuels for cars and the like. That is a joint venture with the CSIRO and Flinders University.

Their advice is that their pilot plant would not have a high impact on the environment due to the fact that it would actually improve the water quality in the Port River as high nutrients (which are mostly nitrogen and CO_2 which exist because of the Penrice plant) are removed from the Port River as water is brought into the plant via an intake pipe and returned via an out-take pipe. Also, the on-land infrastructure consists of shallow ponds with plastic linings and some transportable buildings. In my view, they are not high impact.

In relation to those two operations, at least, I do not believe that their actions will have a significant impact on the environmental and heritage values. In fact, those sections of the honourable member's motion which seek to halt development I do not believe should be supported. I would also be sceptical that that old quarantine station has sufficient tourism interest to justify funding in a tight budgetary situation. Honourable members may have heard me this afternoon lament the demise of Union Hall. There are a number of other heritage issues in South Australia which I think this government is neglecting and which have high priority. Maritime Constructions have indicated that they would be more than happy to manage those particular areas themselves. From what I understand, the government has said 'Yippee!' because they are off the hook on that front.

I would also be concerned about additional human activity which may be in conflict with those pristine sections of the conservation park and adjacent coastline: that is quite evident from visiting the conservation park at the northern end. There are a lot of mangroves to the east of the top part of Torrens Island and extending further south. They are clearly in very good condition along the coast there. I am not convinced that having a lot of people traipsing around in that part of the world would actually be good for the environment.

However, I must say that I am very sympathetic with the criticisms that have been made about the lack of consultation with stakeholders. While it may not be a statutory requirement for this matter to go through the usual processes where there are obligatory requirements to consult with various community groups and other organisations, I think that would have helped to waylay a lot of concerns and actually got groups together so that they could try to find a mutually beneficial outcome. There are a couple of clauses in the honourable member's motion which I do have sympathy for but, overall, I am not convinced that they are actually going to be of any assistance in the desired outcome and, therefore, the Liberal Party will not be supporting the motion.

The Hon. R.I. LUCAS (17:27): I rise only to speak briefly on the motion and, in doing so, I wanted to indicate that it was only recently that I saw some current affairs programming in relation to this issue and also some news feature coverage highlighting protesters. In particular, the aspects I wanted to talk about involving the protests related to the health and safety of the dolphins in the region and also the health of the mangroves.

The reason that I wanted to speak was that approximately 12 or 13 years ago, when I heard very similar concerns being expressed by very similar protesters. I was the minister responsible for the decision, together with the government of the day, for the building of the last big baseline power station at Pelican Point. The current Premier, the current Treasurer, all and sundry in the Labor Party and fellow travellers organised mass protests about the destruction that was going to be wrought upon this part of the coastline by a power station. I remember at the time my children saying to me, 'Why are you going to burn dolphins alive, dad?' because the protesters had coffins on the steps—

The Hon. B.V. Finnigan: What did you say—'Because I want to sell the power industry later'?

The Hon. R.I. LUCAS: We were in the process of selling the power industry at the time, so the Hon. Mr Finnigan's historical knowledge is perhaps not as much as his other knowledge. The protesters had mass demonstrations at Parliament House. I remember attending a protest meeting down at the Port, where some 400 or 500 people were loudly protesting and roundly condemning me for a variety of things. In particular, what I wanted to highlight was the claims that were being made that this power station was going to destroy the mangroves and it was also going to boil the dolphins alive. It was threatening the health and welfare of the dolphins in the Port.

As I said, at the protests at Parliament House, I well remember protesters delivering coffins to Parliament House portraying the death of the dolphins as part of the protest. That was all because supposedly the power station was going to raise the temperature of the water in the area so significantly that it was going to destroy the habitat for the dolphins. I can happily report that some 13 years later the mangroves are still there and the dolphins are still there. Any concerns that there are about the health and welfare of the dolphins have more to do with fishers and others in the region, I suspect.

The power station is a most important part of the state's infrastructure. It is the last major baseload power station that has been built in South Australia and, if the decision had not been taken, the electricity industry would be in a parlous state in South Australia, but that is a different debate. As I said, the mangroves remain, the dolphins remain and I just recognise some fellow travellers who, 13 years ago, were protesting about the health and welfare of the dolphins and the mangroves and were making almost the same claims in relation to this development. I hasten to say that I am not entering into the debate about heritage and all the other issues which I know are part of this motion and, indeed, I acknowledge that the terms of the motion themselves do not specifically refer to the health and welfare of the dolphins.

The Hon. J.M.A. Lensink: But you care.

The Hon. R.I. LUCAS: I care about the dolphins, and always have cared about the dolphins and never would consciously or unconsciously or subconsciously take a decision to boil dolphins alive. I put that on the public record. I hasten to say that the Hon. Ms Bressington does not include that in her resolution, and it includes many other issues which I do not propose to debate, but I did notice, on the news service and one of the current affairs shows, some of the protesters raising these similar concerns to try to beat up concerns about the developments down there.

As I said, I recognise some of them. I certainly recognise the claims and, for those reasons, I want to place on the public record that people should at least discount that part of the concerns that have been raised by protesters in relation to developments down in this area. It is possible, and I will leave that to the judgment of others, to have developments in the area which can leave the mangroves and also the health and welfare of the dolphins. I will leave it for others to make the judgment. I certainly support the position that has been put by my colleague the Hon. Ms Lensink.

The Hon. A. BRESSINGTON (17:33): I thank honourable members for their contributions on this motion. At least now the concerns about the environment and heritage issues are on the record and, as the Hon. Michelle Lensink said, this island and those particular heritage interests are tucked away there for very few to see—out of sight, out of mind, really.

It is a shame that the motion is not supported, but I would just like to pick up on a couple of things that came to mind while I was listening. We talk about concern for heritage issues, and it was mentioned that the quarantine station is currently used for Army exercises and there are buildings there with the doors smashed in and empty shells left lying everywhere.

This place could actually have some value for tourism. Interest was expressed by the owner of the dolphin tours in Port Adelaide to assist with that and build up knowledge that this place actually exists, and that has been quite successful in Victoria with its quarantine station.

The one thing about this particular motion that presses on me the heaviest is where maritime construction will have its port, or whatever it is called, and that it is going to require—as the Hon. Ms Lensink said—a dredging of that river back some 50 metres, I think, which is going to flood part of the mangroves and flood the graveyards.

As has been indicated to me, there are now issues with the Indigenous community. This is a sacred burial ground to them and, prior to the knowledge of these projects going ahead, it was suggested to people in the Indigenous community that this area would be used to bury the bones of some of their ancestors or relatives who had been found elsewhere, that they would be relocated to Torrens Island. It was actually the mayor of Port Adelaide who brought that to my attention. If that is the case, perhaps the government may like to enter into some discussions with the Indigenous people involved and explain why this proposed burial ground is going to be exposed to industry and perhaps even flooding of that area.

I acknowledge the Hon. Rob Lucas's comments that this is an old issue. The same thing was touted 13 years ago about the dolphins and the mangroves. That, in fact, was not the intention of the *Stateline* program that the Hon. Mark Parnell and I did together regarding this matter. However, we all know that the dolphins are a good hook and that everybody loves dolphins. It was

a way of getting people to pay attention to this issue, because we can only muck around with this river system and with the mangroves so many times before there is an impact on the dolphins and the fish breeding ground in those mangroves.

We need to understand that the fish bred in those mangroves are what the dolphins use to train their pups in how to shepherd and catch fish. So, we have a whole system that is gradually—bit by bit—being reclaimed, if you like, by we humans. Although the impact might not be right here, right now, we have no guarantee that these ecological systems are not going to be disrupted to the point where we will lose a very important system in the future.

I am not going to rave on forever. As I said, I thank honourable members. I am sure that the media interest in this particular issue will continue, and I intend to make sure that it does, and that these projects, these subdivisions, are watched very carefully and very closely.

Motion negatived.

CONSTITUTION (GOVERNMENT ADVERTISING) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 23 June 2010.)

The Hon. R.I. LUCAS (17:39): I rise to speak to the second reading of the Constitution (Government Advertising) Amendment Bill. On a previous occasion—I cannot recall exactly when—I, together with some other members of the upper house select committee on this issue, spoke about and addressed our various views on government advertising. I refer those avid readers of *Hansard* to my contribution to indicate the position I adopted both personally and on behalf of the Liberal Party.

Subsequent to that, the Liberal Party took a policy to the last state election, which I think was in the broad ambit of our public sector management policy, and I stand to be corrected on the precise title of that policy.

That sort of summarises our general position, but it indicates why the Liberal Party does not and will not support the second reading of this bill. In that report we highlighted the sorts of changes we were prepared to support. We certainly supported greater controls and restrictions on government advertising. We certainly supported the introduction of a model of those restrictions, based on what then existed in the commonwealth arena.

I note that those of us who congratulated the federal government on those restrictions were left exposed when the former Prime Minister Kevin Rudd and the federal government caved in to craven political self-interest in the period leading up to the federal election and removed those controls and restrictions in a desperate endeavour to hang on to office and allow them to undertake some taxpayer-funded government advertising. I note that that did not assist former Prime Minister Kevin Rudd in his endeavours but, as we well know, Prime Minister Gillard continues in office after the most recent federal election.

The view that Liberal members on that committee expressed was that we supported the changes being made generally through administrative change and action. We therefore had the view that we did not support going down the legislative change option. One of the reasons for that is that it is so extraordinarily difficult to cater, in a legislative sense, for all the restrictions one would want to contemplate and would be prepared to support in a piece of legislation that governs the actions of all governments and all circumstances in the future. I acknowledge that the Hon. Mr Parnell has used his best endeavours to try to cater for those other circumstances that one cannot actually contemplate, and he has a catch-all provision towards the end which seeks to do that. That is his own tacit way of acknowledging that it is hard to legislatively provide for all possibilities that might arise in future, and he acknowledged that therefore there needed to be at least some let-out or catch-all clause.

There are some specific issues we would have if we were to get into a detailed debate in committee about the particular provisions. I do not intend to waste the time of the committee because I expect that government members will not support the second reading either, and we therefore will not need to waste too much of the committee's time going through the detail. However, if the government surprises me we will happily engage in that lengthy committee process and tease out some of the issues with the Hon. Mr Parnell.

The Hon. Mr Parnell, in his second reading contribution, says that he is being true to the views he put both before and during the select committee. We came to a happy landing on the

general principle that there ought to be restrictions, and we had some impact. Time will tell how long, because the government, in the throes of, 'We are listening and we have heard the message', announced that it had reduced the level of government advertising, but I sometimes wonder whether that will last the four years of this parliamentary term, and I am sure that is what is driving the Hon. Mr Parnell.

The Hon. Mr Parnell knows that what we are doing here is largely symbolic because the government of the day in the House of Assembly will not support legislative change anyway. Nevertheless, that does not prevent us on this or indeed any other issue symbolically passing legislation and trying to put pressure on the government of the day in relation to any particular issue, so I do not criticise the Hon. Mr Parnell for that. He has been true to what he said. In not supporting this, we are being true to the views that I have expressed and for some of the reasons that I have given, but I am not going to bore the council at this stage with all of the detailed reasons.

Without going into the detail, there are some interesting questions about the broad definition of advertising. The definitions of what we have broadly contemplated to be what I would call expensive, mass-produced advertising—in particular, television and radio advertising—are included in this legislation. They are very broad and would include a whole variety of things, some expensive and some inexpensive, and potentially relatively inexpensive explanatory leaflets that the departments and agencies might produce which certainly would still come within the definition of advertising in the legislation, in my humble view.

As I said, I do not intend to pursue all of the detailed issues in relation to the amendment for the reasons that I have outlined now. I refer the interested readers of *Hansard* to the select committee report and also to our parliamentary speech on the issue to the reasons why we support a restriction on the unlimited government advertising which has existed in the past, but at this stage we do not support going down a legislative path. I remind again the readers of *Hansard* that this will be a largely symbolic issue should the legislation pass because this government certainly will not be supporting any legislative change along these lines.

The Hon. B.V. FINNIGAN (17:47): I did not realise the Hon. Mr Lucas had taken upon himself the responsibility for speaking for the government, but he is right on this occasion that the government will be opposing the bill. This bill was proposed subsequent to the report of the select committee of this council regarding taxpayer funded government advertising established in 2009. I draw honourable members' attention to the dissenting statement to that report by the Hons Mrs Zollo and Mr Hunter. Their dissenting statement did not endorse a legislative approach as provided for in this bill.

The bill seeks to insert a new section into the Constitution Act which would work to restrict taxpayer funded advertising by public authorities. The bill is designed so that advertising is not permitted, except for certain exemptions which the bill sets out. It is worth noting that some of these refer to a reasonable level of advertising, but that is not defined and so would be the subject of a subjective test. That could lead to applications for judicial review of a decision made pursuant to this clause.

The government does not agree that a legislative approach is necessary for the regulation of publicly funded government advertising. The current approach is consistent with all other Australian jurisdictions, none of which have legislation to regulate this area. The advertising guidelines and policies that exist contain general principles to set out the objectives for government advertising and contain details of when public funds should not be used. For example, public funds are not to be used when the image or voice of a politician is used in advertising and when the party in government is mentioned by name. Therefore, the use of public funds for advertising is already constricted by the guidelines in place so that it is used for genuine purposes and not for partisan political benefit.

It is incongruous, as the Hon. Mr Lucas noted, that this bill tries to amend the Constitution Act for the purpose of restricting government advertising. The placing of the proposed provisions in that bill is not appropriate as the Constitution Act deals with the foundations of government, the parliament and the judiciary and is not the place to generally regulate day-to-day functions of government.

As the Hon. Mr Lucas noted, there has been some further change in this area since the formation of this government following the election. In relation to that I draw honourable members' attention to an answer given by the Premier in the other place on 22 July this year in response to a

question from the member for Bright. In that answer the Premier outlined the new guidelines that had been developed and indicated that it had already led to a reduction in the cost of government advertising.

While the government agrees it is important that taxpayer funded government advertising is used only for appropriate purposes and that public funds are not misused, we do not see this bill as the appropriate way to achieve that aim. The current approach, including the guidelines, which were strengthened in 2009 and 2010, has been successful in ensuring that the advertising is used only for legitimate purposes. For these reasons, the government opposes the bill.

The Hon. K.L. VINCENT (17:50): I place on the record Dignity for Disability's support for this bill. There should be rules around publicly-funded advertising campaigns to ensure that any publicly-funded advertising campaigns are for the benefit of the public, not simply for the benefit of the government. Let's face it, the government does have a tendency to be somewhat mean with its money, as my fellow members all know, so why should it be allowed to sing its own praises when there is no real perceived benefit to the community?

That is not to say that the government should be banned from spending money on advertising—it just should be subjected to rules, and that is what this bill does. It provides boundaries and limits to the circumstances in which the government can use our money. This bill allows government to spend money on advertising in a number of circumstances, which the Hon. Mr Parnell has already stated, so I will not waste the time of this place repeating them. I will say only that the categories are fair and well thought out.

For those of us here who think these categories are too limited, I note that the parliament still may approve advertising. So, it appears that this bill still allows the government to state its case to the parliament, which can then scrutinise such requests. I thank the Hon. Mr Parnell for introducing this bill.

The Hon. A. BRESSINGTON (17:51): I rise today to speak to the second reading of the Constitution (Government Advertising) Amendment Bill. Advertising is certainly a very important part of government procedure but, as suggested by the Hon. Mark Parnell in his amendment bill, it is very easily abused. However, there are very important campaigns that should be run by government, the most important one being advertising to reduce the risk to life or serious injury. There are others, such as the obvious ones, which would include information and which would cover the likes of the campaign for the closure of the Gawler rail line, for example. Then there are advisory campaigns which, as an example, would be the anti-gambling campaign.

These are just two categories (and, of course, there are many more), but it shows that they are important messages for the general public and the purpose of the campaign is obvious. It should certainly not be a blatant advertising push for the government of the day. As has been suggested, the recent campaign run by the federal government in the battle with the mining sector is a prime example. That was an advertising campaign which, of course, should never have been funded by the Australian taxpayers. It was a battle of wits, if you like, between the government of the day and the mining industry and was a precursor to the federal election—a little like the advertising campaign for our big new hospital before our state election.

As most of us would know, advertising campaigns these days are extremely expensive. In cases where taxpayer money is used by the government, it should first be subject to scrutiny before it is allowed to proceed. If these partisan campaigns are allowed to continue, they will become a huge drain on the public purse—and probably have.

I think overwhelmingly the voting public is more politically savvy in this day and age and, for the most part, we are aware of when and where taxpayer money is being used. Governments are expected, of course, to use public funds for the benefit of the people and not to promote themselves. It would appear that enough time has been given to governments to self-regulate their advertising expenditure, but at this stage it seems to no avail. So, now it is perhaps time to try something different.

Legislation, it would seem, is the only course of action available. However, that said, I have concerns about the model being proposed by the honourable member. While I support enshrining the permissible parameters of government advertising in legislation, I would also like to see a mechanism developed that allows an advertising campaign to be approved prior to it commencing, perhaps even done by the Auditor-General—a mechanism that prevents the abuse of public funds, rather than simply reacting to abuse once the money has been spent.

The bill before us would channel all disputes about a particular advertising campaign to the courts and, as the bill amends the constitution, specifically to the Supreme Court. This is by no means within reach of the ordinary citizen, and I would suggest would be available only to the parliamentary opposition of the day. Complex and lengthy legal arguments would ensue, with the court asked to determine the scope of each category in new section 10B(2) and whether the particular campaign complies.

The only way to curb this waste of public funds, as pointed out by the Hon. Mark Parnell, is to make sure that any advertising campaign put forward by the government is in accordance with a form of statutory public benefits test. However, as I said, in my opinion the legislation must be preventative and not simply channel disputes to the courts.

We see more and more legislation being drawn up in here where all roads lead to the courts, and very rarely is there a reasonable outcome. While I commend the honourable member and offer my support to the idea of legislative action restricting government advertising, I will not support the model proposed in this particular bill.

The Hon. M. PARNELL (17:55): In summing up, I would like to thank the honourable members who have contributed to the debate: the Hon. Rob Lucas, the Hon. Bernard Finnigan, the Hon. Kelly Vincent and the Hon. Ann Bressington. I would like to make some brief remarks about some of the things those honourable members have said.

In relation to the Liberal contribution, I am not surprised that they will not support this bill. I was not able to convince Liberal members on the select committee on this topic that legislation was the way to go; nevertheless, and as the Hon. Rob Lucas said, I have been true to the model that I preferred and put it up as a legislative reform. The Liberals are sticking with their position that administrative arrangements are the way to fix this problem. I should say that no-one disagrees that we have a problem: there has been abuse and waste of public funds for useless advertising campaigns that serve no purpose other than to promote the government of the day.

In relation to the contribution of the Hon. Bernard Finnigan on behalf of the government, he pointed out the changes that were made to the advertising guidelines in 2009 and 2010: for example, we have seen the faces of ministers removed from advertising, and a few other minor changes. I think it is to the credit of the Legislative Council that it has forced the government to make changes to those guidelines, because it was in this chamber that some of the worst excesses of government advertising were exposed. The Hon. Bernard Finnigan says that the guidelines are successful in ensuring that advertising campaigns are appropriate. We are going to have an almighty test of that proposition in the next couple of days, and I will come back to that shortly.

I thank the Hon. Kelly Vincent for her support. She clearly understands the pressures on the state budget and the need to not waste a cent of taxpayer funds. We have heard from her today about the unmet needs in the disability sector, and at the same time we know we are on the eve of a massive advertising splurge in relation to the state budget with no benefit whatsoever for the South Australian community. So the Hon. Kelly Vincent understands what governments are on about and how they waste our money; the Dignity for Disability Party understands the importance of this as well.

I thank the Hon. Ann Bressington for her contribution. She too understands how easy it is and how much abuse has occurred in relation to spending taxpayers' money on advertising. The honourable member has concerns about the statutory model I have proposed, and I accept that there are other ways this could have been done, but to a certain extent this bill is born out of a sense of desperation. We know that the voluntary guidelines do not work; this is the next step to take.

Tomorrow we will have a state budget delivered, and in the aftermath of that state budget we will see an advertising blitz in print, on television, and electronically that will tell us how good it is for us as a community to suffer massive cuts to public services, how it will put spine in us and how this reduction in services will make us better people. It will be spin upon spin upon spin. It is the government equivalent of the old line in environmental circles, 'Toxic sludge is good for you', and you use an advertising campaign to get that message across.

My message to the Liberal Party, in particular, is when in the next week it is minded to complain about the waste of public funds in government advertising, complain about how advertising certain budget initiatives performs no useful role, does not help South Australians to better engage with their government and with public services, and does not help us to be better citizens but simply promotes the government's economic credentials, and when the Liberals are

minded to come out and say what a waste of money that is, they should remember that they have voted against a mechanism that the Greens put forward that would have put some serious checks on this abuse of government use of taxpayers' money.

I have heard enough from the chamber to understand the will of the council is that this bill will not pass the second reading. I will not be dividing on that, but I do say that, in the aftermath of tomorrow's budget and the advertising blitz that is sure to follow, I think we will be seeing more moves in this chamber to put some brakes on government excesses.

Second reading negatived.

STATUTES AMENDMENT (MEMBERS' BENEFITS) BILL

Received from the House of Assembly and read a first time.

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Industrial Relations, Minister Assisting the Premier in Public Sector Management) (18:03): I move:

That this bill be now read a second time.

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

Leave granted.

This Bill seeks to make amendments to the *Parliamentary Remuneration Act 1990* and the *Parliamentary Superannuation Act 1974*.

The legislation contained in this Bill, if enacted, will increase the government's level of support under the PSS 3 division of the Parliamentary Superannuation Scheme; provide an option for all members of the Parliament to sacrifice salary for additional superannuation; provide a new lump sum involuntary retirement payment for those members who have their service as a member involuntarily terminated; and provide an option for members to take out voluntary additional death and disability insurance through the government's Triple S scheme.

At the present time the level of government support for members in the PSS 3 accumulation scheme is generally 9 per cent of salary. The level of support can be 10 per cent of salary where a member elects to make a personal after tax contribution of at least 4.5 per cent of salary into the scheme. However, most members in the PSS 3 scheme are only receiving a government superannuation contribution of 9 per cent of salary. This level of government support for members in PSS 3 represents a significant disparity with the level of support for those members who entered the Parliament at an earlier time and are members of the now closed PSS 1 and PSS 2 schemes.

In early 2004, the Commonwealth Parliament closed its defined pension scheme and established an accumulation scheme for future members, with a level of government support of 9 per cent of salary. Most other State Parliaments followed the Commonwealth in changing their schemes and reducing the level of government support in the new accumulation schemes that were established. However, in October 2006, the Commonwealth Parliament, in realising it had gone too far in reducing the level of government superannuation support for the new and future members of the Parliament, passed legislation that increased the level of government support to 15.4 per cent of salary.

This Bill therefore proposes that the level of government support for members covered by the PSS 3 scheme be increased from the existing levels to 15.4 per cent of salary. The government believes it is important that there be consistency in the level of superannuation support between that provided to members of the South Australian Parliament and members of the Federal Parliament. Without such consistency, South Australia will be at a disadvantage in attracting suitable persons to stand for the South Australian Parliament. If the remuneration packages including superannuation are significantly higher in the Federal Parliament, this State and this Parliament will be disadvantaged by having potential suitable candidates for the State Parliament having a preference to stand for the Federal Parliament. It is therefore for the sake of creating consistency with the Commonwealth's level of superannuation support for Members of the Federal Parliament that the Bill proposes the level of support for those members covered by the Parliament's PSS 3 scheme be increased to 15.4 per cent of salary. The Bill proposes that the higher government contribution apply from the date of the General Election in March this year.

The Bill also includes a proposal that the existing salary sacrifice option available to PSS 3 members of the Parliament be extended to all members. The *Parliamentary Remuneration Act 1990* currently provides an option for members of the PSS 3 scheme to elect to have sacrificed salary directed into either the member's PSS 3 scheme or where the member is having their government contribution directed into some other scheme, that other scheme. In terms of the current provisions of the *Parliamentary Remuneration Act*, those members of the Parliament who are members of either the PSS 1 or PSS 2 scheme are not able to sacrifice salary for additional superannuation. The legislation contained in the Bill will if enacted, enable any member of the Parliament to elect to sacrifice salary for the purpose of accumulating additional superannuation. For all members, and in particular those members of the PSS 1 and PSS 2 schemes, the salary sacrificed contributions will be accumulated together with investment earnings as an additional accumulation benefit in the PSS 3 scheme. For PSS 1 and PSS 2 members, salary sacrificing under these proposed new provisions will have no impact on the member's existing superannuation arrangements. Salary sacrificing as an option for additional superannuation is now generally available for employees

in the private sector, as it is for government employees, and Members of Parliament should not be denied the same option.

The third main proposal included in the Bill involves an amendment to the *Parliamentary Remuneration Act*, for the purpose of introducing a new involuntary retirement benefit for those members of PSS 3 who have their service as a member involuntarily terminated. Involuntary retirement, as defined under the *Parliamentary Superannuation Act*, generally occurs where a member loses his or her seat at an election. The Commonwealth has a similar involuntary lump sum benefit available for those members who involuntarily leave the Parliament and are not entitled to a pension benefit from the superannuation scheme. The Commonwealth benefit, which is referred to as a 'Resettlement Allowance', is a lump sum payment of 12 weeks of basic salary. The legislation contained in the Bill also proposes a lump sum payment of 12 weeks of basic salary to a member of the PSS 3 scheme who involuntarily loses his or her seat. The benefit will not be payable to any member who has been re-elected to the Parliament and is entitled to a pension benefit as a consequence of a period of previous service in the Parliament. The benefit will also not be payable in the situation where a member is taken to have involuntarily retired in terms under the *Parliamentary Superannuation Act*, because the member has resigned to contest a seat in another Parliament, and the member is elected to that other Parliament.

The fourth main proposal included in the Bill involves an amendment to provide an option for any Member of the Parliament to elect to take out voluntary additional death and disability insurance. On the basis that there are only 69 members of the Parliament, it is considered that the most appropriate arrangement is to provide an option for a member who wishes to have additional insurance cover, to be able to access the additional cover through the government's Triple S scheme. The Triple S scheme operates its own insurance scheme for government employees. Therefore, under the proposal included in the Bill, a Member of Parliament will be able to access the Triple S insurance scheme for additional death and disability cover.

The Bill also includes several minor amendments that address administrative matters or deficiencies in existing provisions. One of these minor amendments deals with co-contribution accounts. At the present time there is no provision under the *Parliamentary Superannuation Act*, that would enable the Parliamentary Superannuation Board to accept and credit to an account in the name of the relevant member, a Commonwealth co-contribution payment. The Bill therefore includes a provision that will provide for the Board to accept a co-contribution amount and credit to a co-contribution account established and managed in the name of the relevant member.

An amendment is also proposed to the provisions of Section 23 of the *Parliamentary Superannuation Act*, to address a deficiency in the current provisions of that section. Section 23 provides for a guaranteed minimum benefit to be paid to or in relation to a member to address the situation where a former member and his or her spouse die in the short term. It has been identified that the current provision does not deal with the possibility of there being no spouse entitled to a spouse pension on the premature death of a former member before the guaranteed pension payment period of 4.5 years has expired, but there being dependent children who become entitled to a pension benefit. Therefore the Bill proposes an amendment to Section 23 to more adequately deal with all possible scenarios on the death of a member or former member of the Parliament.

The Bill also includes several transitional measures to deal with the consequences of some of these measures being introduced with effect from the date of the 2010 General Election.

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

This clause is formal.

2—Commencement

Operation of the majority of the measure is to commence on assent. Subsections (1) and (2) of clause 14 are to be taken to have come into operation on 20 March 2010. Clause 18 will come into operation on a day to be fixed by proclamation.

3—Amendment provisions

This clause is formal.

Part 2—Amendment of *Parliamentary Remuneration Act 1990*

4—Amendment of section 3—Interpretation

Section 3 of the *Parliamentary Remuneration Act* is amended by the insertion of definitions of *non-participating member* and *PSS 3*. Both terms are currently defined in section 4B of the Act. The definitions are to be moved to section 3 (the interpretation provision) because the terms are used in the new section to be inserted by clause 6.

5—Amendment of section 4B—Salary sacrifice for superannuation purposes

Section 4B currently allows PSS 3 members and non-participating members to salary sacrifice. The section as amended by this clause will permit all members of Parliament to salary sacrifice for superannuation purposes. Contributions made for superannuation purposes under the section will be paid into PSS 3.

6—Insertion of section 5A

This clause inserts a new section.

5A—Involuntary retirement payment

Under proposed section 5A, an eligible member (that is, a PSS 3 member or a non-participating member) who retires involuntarily will be entitled to an involuntary retirement payment equal to 12 weeks of basic salary.

The question of whether a former member has retired involuntarily is linked to whether or not the person is taken to have retired involuntarily for the purposes of the *Parliamentary Superannuation Act 1974*.

Part 3—Amendment of *Parliamentary Superannuation Act 1974*

7—Amendment of section 5—Interpretation

This clause amends section 5 of the *Parliamentary Superannuation Act 1974* by the insertion of definitions of *co-contribution* and *co-contribution account*. A co-contribution is a payment made to the South Australian Parliamentary Superannuation Board in respect of a person by the Commissioner of Taxation pursuant to the requirements of the *Superannuation (Government Co-contribution for Low Income Earners) Act 2003* of the Commonwealth. A co-contribution account is an account established and maintained by the Board as a co-contribution account in accordance with the requirements of the Act (see proposed section 13D, to be inserted by clause 12).

8—Amendment of section 7F—Special provisions relating to rollovers for PSS 1 and PSS 2 members

This amendment is consequential on the insertion of new provisions that will permit PSS 1 and PSS 2 members to become PSS 3 members for salary sacrifice purposes. A PSS 1 or PSS 2 member for whom both a rollover account and a Government contribution account have been established will be taken for the purposes of the Act to be a member of PSS 3 by virtue of both sections 7F and 7G. In some sections of the Act, the question of whether a PSS 1 or PSS 2 member is a member of PSS 3 by virtue of section 7F or 7G, or a combination of both, is relevant.

9—Insertion of section 7G

This clause inserts a new section.

7G—Special provisions relating to salary sacrifice by members

This proposed section requires the Board to establish a Government contribution account for a PSS 1 or PSS 2 member who has elected to make a superannuation salary sacrifice.

Certain provisions of the Act that operate in relation to PSS 3 members will not apply to PSS 1 and PSS 2 members who are members of PSS 3 by virtue of section 7G.

10—Amendment of section 13—The Fund

Section 13, as amended by this clause, will require the Superannuation Funds Management Corporation of South Australia to establish a distinct part of the Parliamentary Superannuation Fund proportioned to the aggregate balance of co-contribution accounts.

11—Amendment of section 13AB—Rollover accounts

Section 13AB, as amended by this clause, will require the Board to maintain a rollover account for a PSS 1 or PSS 2 member who is also a member of PSS 3 by virtue of section 7G if an amount of money is carried over from another fund or scheme for the member.

12—Insertion of section 13D

This clause inserts a new section.

13D—Co-contribution accounts

The Board will be required under this new section to establish a co-contribution account for a member in respect of whom a co-contribution has been paid to the Board.

The terms and conditions on which the balance of a member's co-contribution account is payable to the member (or to his or her spouse or estate) are to be determined by the Board, subject to the operation of the *Superannuation Industry (Supervision) Act 1993* of the Commonwealth.

13—Amendment of section 14B—Contributions by members of PSS 3

Section 14B(1) of the Act currently permits PSS 3 members to elect to make contributions to the Treasurer at a specified percentage (between 1 per cent and 10 per cent) of the combined value of the basic salary and additional salary payable to the member. The subsection as recast will permit PSS 3 members to make contributions at any whole number percentage of the combined value of basic and additional salary.

14—Amendment of section 14C—Government contributions

Section 14C of the Act currently requires the Treasurer to pay 9per cent of a member's basic and additional salary into the PSS 3—Government Contributions Division of the Parliamentary Superannuation Fund (unless the member's superannuation contribution rate is at least 4.5per cent, in which case the Treasurer is required to pay 10 per cent of the member's basic and additional salary into the Fund). As amended by this clause, section 14C will

require the Treasurer to pay 15.4per cent of a member's basic and additional salary into the Fund. (Section 14C(1) does not apply in relation to a PSS 1 or PSS 2 member who is a member of PSS 3 by virtue of section 7G.)

15—Amendment of section 14D—Government contribution accounts

This amendment makes it clear that the Board is required to maintain a Government contribution account for a PSS 1 or PSS 2 member who is a member of PSS 3 by virtue of section 7G.

16—Amendment of section 21AC—Interpretation

The amendments made by this clause are consequential on the proposed insertion of section 7G.

17—Amendment of section 23—Pension paid for limited period

This amendment corrects a deficiency in section 23 of the *Parliamentary Superannuation Act*. Currently, section 23 does not take into account the possibility of a pension being paid to an eligible child following the death of a member of PSS 1 or PSS 2. The section is therefore amended by the insertion of appropriate references to eligible children. Changes consequential on the recognition of eligible children as potential beneficiaries are also inserted by this clause.

18—Insertion of section 36

Proposed section 36, to be inserted by this clause, provides that PSS 3 members may elect to take out invalidity/death insurance provided under the *Southern State Superannuation Act 2009*. (This option is not available for a PSS 1 or PSS 2 member who is a member of PSS 3 only for the purpose of establishing a rollover account.)

Schedule 1—Transitional provisions

1—Member contributions—*Parliamentary Superannuation Act 1974*

This transitional provision is relevant to the amendment made by clause 13. If a member of Parliament was making contributions to the Treasurer at a rate of 4.5 per cent of salary before the commencement of that clause, the member will be taken to have made an election to vary the rate of contribution to 4 per cent. The variation will operate from the first day of the month following the month in which clause 13 commences. This is because the option of contributing at 4.5 per cent will no longer be available.

2—Increased Government contribution—*Parliamentary Superannuation Act 1974*

This transitional provision relates to Government contributions payable for the period commencing on 20 March 2010 and ending on the last day of the month in which the amending Act is assented to by the Governor. This provision is necessary because of the retrospective commencement of parts of clause 14.

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

STATUTES AMENDMENT (ARTS AGENCIES GOVERNANCE AND OTHER MATTERS) BILL

Received from the House of Assembly and read a first time.

At 18:04 the council adjourned until Thursday 16 September 2010 at 11:00.