LEGISLATIVE COUNCIL

Tuesday 8 February 2011

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

STATUTES AMENDMENT AND REPEAL (AUSTRALIAN CONSUMER LAW) BILL

His Excellency the Governor assented to the bill.

MARINE PARKS (PARLIAMENTARY SCRUTINY) AMENDMENT BILL

His Excellency the Governor assented to the bill.

RECREATION GROUNDS (REGULATIONS) (PENALTIES) AMENDMENT BILL

His Excellency the Governor assented to the bill.

ROAD TRAFFIC (USE OF TEST AND ANALYSIS RESULTS) AMENDMENT BILL

His Excellency the Governor assented to the bill.

PRINCE ALFRED COLLEGE INCORPORATION (VARIATION OF CONSTITUTION) AMENDMENT BILL

His Excellency the Governor assented to the bill.

GAMING MACHINES (MISCELLANEOUS) AMENDMENT BILL

His Excellency the Governor assented to the bill.

CLASSIFICATION (PUBLICATIONS, FILMS AND COMPUTER GAMES) (EXEMPTIONS AND APPROVALS) AMENDMENT BILL

The Hon. B.V. FINNIGAN (Minister for Industrial Relations, Minister for State/Local Government Relations, Minister for Gambling) (14:22): I move:

That the sitting of the council be not suspended during the continuation of the conference on the bill.

Motion carried.

SERET, MRS CLAIRE

The PRESIDENT (14:23): It is with great sorrow that I place on the record the sad loss of Mrs Claire Seret, who has provided administrative assistance to the staff of the Legislative Council since October 2002. It was over a year ago that Claire experienced some pain when walking, which was much later diagnosed as cancer.

New members did not meet Claire, as she spent the past year having treatment, which she was absolutely convinced would enable her to return to the Legislative Council. Unfortunately, this was not so, and Claire passed away on 18 January this year. Claire had briefly been a reporter with Hansard in the reporting division before undertaking work with the Courts Administration Authority. Part of Claire's role in the Legislative Council comprised looking after members' travel and other allowances, and I am sure all members appreciated her dedication and attentive service to us all. Claire endeared herself to all who knew her.

Many staff and members of parliament attended the wonderful service that was held for Claire to celebrate her life, and it was interesting to learn of the remarkable life she lived that many of us did not know about—the fact that she grew up in Kenya and lived a rich and varied life within that beautiful country, before coming to Australia with her husband, Dirk.

Many of us also knew little about her wonderful family. I am sure Claire would have been proud of her two sons, who spoke so impressively at her funeral. We all join together in extending our deepest condolences to Dirk and her family for their loss of a wonderful person.

ANSWERS TO QUESTIONS

The PRESIDENT: I direct that the following written answers to questions be distributed and printed in *Hansard*.

WATER RECYCLING

125 The Hon. J.M.A. LENSINK (28 October 2010).

1. (a) What are the countries to which South Australia is shipping recyclable materials; and

(b) What waste streams are involved?

2. What is the 2009 baseline for Zero Waste South Australia's disposal and illegal dumping target?

The Hon. G.E. GAGO (Minister for Regional Development, Minister for Public Sector Management, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises): The Minister for Environment and Conservation has been advised that:

1. (a) While information relating to the countries to which South Australia exports recyclable materials is currently not routinely collected, data collected for the 2008-09 Recycling Activity in South Australia report, prepared by an independent consultant, identified that some countries to which South Australia currently ships recyclable materials are China, Vietnam, Thailand, India, Taiwan and Korea. This information will be collected, where possible, in future annual reviews of recycling activity in South Australia.

(b) Data collected from the same report indicate that waste materials exported as 'commodities' include steel, aluminium, non-ferrous metals (excluding aluminium), paper and cardboard, plastics and tyres.

2. The illegal dumping target of decreased incidences and estimated tonnages will be determined on a council by council basis only for those councils that have, or are able to provide data for 2009. A whole-of-state numerical target will not be set in South Australia's Waste Strategy 2010-15.

PAPERS

The following papers were laid on the table:

By the President—

Auditor-General—
- Report, 2009-10—
  - Part B—Agency Audit Reports—Volumes 3 and 4—Corrigendum
- Supplementary Report, 2009-10—
  - Agency Auditor Reports—February 2011
  - State Finances and Related Matters—November, 2010—Erratum

Reports, 2009-10—
- Corporations—
  - Adelaide
  - Burnside
  - Campbelltown
  - Charles Sturt
  - Holdfast Bay
  - Marion
  - Mitchell
  - Norwood Payneham and St Peters
  - Playford
  - Port Adelaide Enfield
  - Salisbury
  - Tea Tree Gully
  - Unley
  - Walkerville
- District Councils—
  - Adelaide Hills
  - Barossa
  - Barunga West
  - Ceduna
  - Clare and Gilbert Valleys
  - Cleve

Coober Pedy
Coorong
Copper Coast
Elliston
Flinders Ranges
Franklin Harbour
Gawler
Goyder
Grant
Kangaroo Island
Kingston
Light
Lower Eyre Peninsula
Loxton Waikerie
Mallala
Mid Murray
Mount Gambier
Mount Remarkable
Naracoorte
Northern Areas
Port Augusta
Port Pirie
Roxby
Southern Mallee
Streaky Bay
Wakefield
Whyalla

There being a disturbance in the President's gallery.

The PRESIDENT: Order! Clear the gallery.

NEW MINISTRY

The Hon. B.V. FINNIGAN (Minister for Industrial Relations, Minister for State/Local Government Relations, Minister for Gambling) (14:28): I table a copy of a ministerial statement relating to the new ministry made earlier today in another place by my colleague the Premier.

QUESTION TIME

FORESTRYSA

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:35): I seek leave to make a brief explanation before asking the Leader of the Government a question about government policy.

Leave granted.

The Hon. D.W. RIDGWAY: Before starting my explanation, I would like to offer my congratulations to the new Leader of the Government. It is good to see a country boy rise to the office of Leader of the Government. He will also remember from his dairy farming days that the thickest cream rises to the top first.

After the election, the Premier committed to listening to the South Australian people, and he committed to renewal. Today, we see part of that renewal, with the Hon. Bernard Finnigan being elevated to the position of Leader of the Government. As I said in my brief little preamble, he has often bragged about being the only rural member in the Legislative Council—the only one who lives in the country. In fact, he lives in the South-East, in Mount Gambier.

I am reminded of some of the comments he made in his maiden speech. The one I think that is very pertinent today is that he said:

> I certainly hope to be mindful of the members of those unions and their interests in my representation in this place.

He went on to say:

> We must remain vigilant to ensure that we do not fall into the trap of constant privatisation and contracting out, which is so often code for cutting labour costs.

Given the size of today's demonstration out at the front, probably the biggest we have seen since the state budget, and the fact that the vast majority of people are from the member's own home town—I did see some members of his extended family and I am sure some former friends of his—and the fact that we have people in the gallery who have travelled nearly 500 kilometres today, as part of the renewal and the fact that the government is listening, will the new Leader of the Government rule out the forward sale of the forests?

An honourable member: Hear, hear!

The PRESIDENT: Order!

The Hon. B.V. FINNIGAN (Minister for Industrial Relations, Minister for State/Local Government Relations, Minister for Gambling) (14:37): I thank the honourable member for his question, my inaugural question as a minister. I will begin by echoing the sentiments you expressed, Mr President, about the sadness I am sure we all share at the passing of Claire Seret, and I offer my own condolences to her family.

The question the honourable member asks is in relation to the sale of ForestrySA forward harvests. As he would well know, the decision to investigate the sale of the forward rotations was announced as part of the 2008-09 Mid-Year Budget Review measures to reduce government debt in the wake of the unfolding global financial crisis.

An initial broad exercise in economic modelling of the potential sale was undertaken on behalf of Treasury, and it examined a broad range of options, including for a potential sale through to maintaining the current business model. Treasury has now engaged economics consulting firm ACIL Tasman to conduct a thorough consulting process and produce a regional impact statement. That consultation will be with key people involved, including the local MPs, councils, timber industry representatives, key unions, chambers of commerce and others.

The regional impact statement will identify any potential impacts on the region and its economy and possible conditions that would be needed to be placed on the potential sale to mitigate those impacts. If, as a result, the potential sale is no longer economically viable, the government will not proceed with the sale. It is expected that the government will receive the regional impact statement by the end of March 2011, and the Treasurer, as the minister involved in this, will be having discussions, of course, with relevant people, including local government representatives in the area.

ForestrySA is a very important part of the South-East's economy and, indeed, the state economy, and the government is committed to making sure that that is what happens into the future, that is, that it remains a viable, important industry into the future. I am not going to accept the crocodile tears coming from the honourable members opposite. We know what their party's policy on this sort of matter is. We saw what the Victorian Liberal government did and, indeed, it is because—

The Hon. D.W. Ridgway interjecting:

The PRESIDENT: Order! There will be no carrying on just because you have an audience today. Sit back and be quiet and listen to the minister's answer. It is a very good answer so far, and you might learn something. The honourable minister.

The Hon. B.V. FINNIGAN: Thank you, Mr President. People have seen the way the Victorian Liberal government approached this issue, they have seen what the former Liberal government did in relation to privatisation and they saw the commitment that the former Liberal government showed to our forestry assets in the South-East and across the state. The fact is that members now see a political opportunity here and suddenly they are against privatisation and against any form of looking at this issue.

The government is looking at the sale of forward rotations and, as I have indicated, has engaged consultants to conduct a thorough consultation process and produce a regional impact statement That is an opportunity for everyone in the community who wants to have their voice heard, and they have exercised their democratic right and opportunity to have their voice heard today as well. The regional impact statement consultation will be a good opportunity for people to put forward what they have to say and for local community representatives, unions, chambers of commerce and members of parliament to put forward their point of view. The government will carefully examine what the regional impact statement has to say and make a decision in the future.

FORESTRYSA

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:41): I have a supplementary question, Mr President. If no decision has been made, why has Treasury factored into the forward estimates the revenue from the sale of the forests?

The Hon. B.V. FINNIGAN (Minister for Industrial Relations, Minister for State/Local Government Relations, Minister for Gambling) (14:41): I do not recall actually talking about what the Treasury figures were but, as I said, the 2008-09 Mid-Year Budget Review—quite some time ago—indicated that the government would investigate the sale of these forward rotations. So it has been indicated for quite a long time.

Of course, we want to be up-front with people about what is being considered. If we said nothing in the budget and then got up one day and said, 'Hey, we are selling the forward rotations of our forests,' imagine the cries of outrage that would come from the honourable members opposite. They would say, 'How dare you spring this on people. You didn't tell them, you didn't consult them and you didn't investigate it properly.'

In the 2008-09 Mid-Year Budget Review we first indicated that we are investigating the sale of the forward rotations of forests and we have now engaged a consulting firm to produce a regional impact statement. So, we have not sprung this on people. Of course, we are being up-front about what is being considered, and people will have the opportunity to have their say and then the government will consider what decision it will make.

FORESTRYSA

The Hon. R.L. BROKENSHIRE (14:43): I have some supplementary questions. They are:

1. Given that the honourable member is now a cabinet minister and has the opportunity of further input into the executive of government, can the minister assure the house that he will raise issues of social impact in the terms of reference, not only economic impact?

2. Can the minister assure us that he will argue against this (because it is a broken promise, given that the government said there would be no privatisation)?

3. If the terms of reference come up in favour of the government (given that it will have developed the terms of reference), will the minister support us in a call for a select committee in the Legislative Council to get to the truth?

The PRESIDENT: The honourable minister will disregard the enormous amount of opinion in that question and also that it is asking the minister for an opinion.

The Hon. B.V. FINNIGAN (Minister for Industrial Relations, Minister for State/Local Government Relations, Minister for Gambling) (14:44): Thank you, Mr President. If select committees of the Legislative Council solved anything we would have to be the most advanced state in the galaxy.

I can inform the honourable member that the regional impact statement (which will be made public) will advise cabinet on the issues and the views expressed in the consultation undertaken in relation to regional issues; the impact of proposals on regions and regional interests; the full range of costs and benefits of the proposal to the region and its community (in particular, employment); strategies for managing the identified risks, impacts and issues (including the impact on downstream industries); and the impact of the proposals on social inclusion and economic development within regions.

I believe the regional impact statement will consider the matters that the honourable member has expressed some concern about. As a former cabinet minister himself, I am sure he would be well aware that the deliberations of cabinet, in which I will participate, are not a matter of public discussion. Indeed, this morning I took an oath that I would not divulge the proceedings of Executive Council. I am sure he is well aware that I can give no commitments and make no discussion about my view in cabinet.

FORESTRYSA

The Hon. R.I. LUCAS (14:45): By way of a supplementary question, does the minister support the guarantee given by former Treasurer Foley in the House of Assembly on 24 November that 'there will be no decision by the government that will adversely impact on jobs and the timber industry in the South-East of the state'?

The Hon. B.V. FINNIGAN (Minister for Industrial Relations, Minister for State/Local Government Relations, Minister for Gambling) (14:45): As I said in my initial answer, the timber industry and forestry are a tremendously important part of the South-East and state economies. The government will have, first and foremost, its desire to ensure that that industry has a viable future, that the jobs in that industry will be protected as much as is possible and that there will be a viable industry into the future.

The Hon. D.W. Ridgway interjecting:

The Hon. B.V. FINNIGAN: The Hon. Mr Ridgeway seems to think that somehow I can guarantee economic conditions into the future. Of course, no minister could ever guarantee what the price of timber will be in future or the number of jobs, and it would be misleading if I were to try to make such a guarantee, but I certainly can say that the government is committed to ensuring a viable and strong forest industry into the future that has at its core a strong employment base.

The PRESIDENT: The new minister scored 10 out of 10.

HOME INSULATION SCHEME

The Hon. J.M.A. LENSINK (14:46): I seek leave to make a brief explanation before directing a question to the Minister for Consumer Affairs about the home insulation scheme.

Leave granted.

The Hon. J.M.A. LENSINK: Members may recall that I have raised questions in this place before about the federal government's home insulation scheme in South Australia, and the minister in response in May last year suggested that South Australia was almost immune from negative repercussions, stating on 11 May:

> Here in South Australia we were very fortunate because installers in this state are required to be licensed. We have had greater regulation and control around the industry than occurs in other states.

Further he stated:

> OCBA commenced a fairly significant compliance campaign in July 2009. It has monitored and scrutinised installers very carefully.

the *Advertiser* exposed just three days before Christmas on 22 December that 'a third of the houses in South Australia were insulated by unlicensed installers', that there were greater than 38,000 claims under the federal program and that five house fires were being investigated in this state as a result of inappropriately installed insulation. My questions to the minister are:

1. Does the minister stand by her comments that were made in this place last year?

2. What reports does she have of how many houses and does she agree with *The Advertiser* report that there were 12,000 cases of unlicensed installations?

3. What is the status of OCBA's compliance campaign, and what further actions will be taken to ensure that South Australian households are kept safe?

The Hon. G.E. GAGO (Minister for Regional Development, Minister for Public Sector Management, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises) (14:48): I thank the honourable member for her most important question. We were aware that the Australian government's Home Insulation Program (HIP) was part of an economic stimulus package, resulting in a large number of Australian households being insulated during that program. That particular scheme, the HIP scheme, was suspended in February 2010 to review safety issues associated with some of the installers. Incorrectly installed insulation can pose a fire hazard, increasing the risk of roof space fires if insulation is installed particularly close to things like downlights, ceiling fans or other electrical wiring.

We were very fortunate in this state because a great deal of the problems associated with the insulation were to do with foil insulation, and in this state there is very little foil insulation compared with other states; because of our particular climate we tend to opt for batt, material, fibre and other types of insulation. So, we were very fortunate on that front.

I understand that in South Australia approximately 2,000 inspections have been undertaken as at 23 December, that any insulation-related safety problems have been rectified at no cost to the consumer, and that safety audit program is continuing. Any consumers who have concerns about their insulation, whether it be foil or any other type, can request a safety inspection and should contact the DCCEE hotline, which is 131792. I encourage people to do that.

As I have stated in this place before, we are fortunate in this state because we have a much higher standard of regulation for insulation installers. Our OCBA licensing laws ensure installation contractors must meet requirements in respect to solvency. These include technical skills and experience, supervision of work and fitness and propriety to conduct a business, and a police clearance is required.

The law also helps to ensure that home installations are performed to an appropriate standard and that unfair practices are minimised. Licensed contractors are subject to legal sanctions and can face penalties of up to $20,000 if they are in breach, so that is quite a disincentive for people to breach those provisions. Those prosecutions and disciplinary actions are undertaken by the District Court and presented by the Crown Solicitor's Office, and it obviously requires evidence to be placed before the court for prosecution to proceed.

At the beginning of the compliance campaign in July 2009, aimed at ensuring that only licensed insulation installers operate in South Australia, OCBA had been liaising with our federal counterparts, DEEWR, to ensure that installers listed on that DEEWR installer register who claimed to operate in South Australia were appropriately licensed. Since July 2009, I am advised that OCBA has scrutinised 253 installers involved in that installation scheme. Of these, I am advised that 177 installers have complied with the SA licensing legislation or are complying with those requirements, and 61 installers are in fact under investigation to determine whether any breaches have occurred in South Australia.

The safety inspection information required to properly investigate these has now been provided by the commonwealth government to OCBA and these investigations are ongoing. The remaining 15 installers have been scrutinised for possible enforcement action, including prosecution, insurance and disciplinary action. As I have said in this place before, we were unfortunate that unlicensed operators did provide insulation installation in this state, particularly during that scheme. The officers from Consumer and Business Affairs have done everything they can, I believe, to identify who these operators were and to ensure that inspections have occurred and that, where possible, prosecutions and appropriate action have been taken against those who have been in breach.

The PRESIDENT: The Hon. Ms Lensink has a supplementary.

HOME INSULATION SCHEME

The Hon. J.M.A. LENSINK (14:55): Can the minister confirm the number of house fires that are associated with the program, and does she have a number for the number of houses that have had insulation installed but are yet to be inspected?

The Hon. G.E. GAGO (Minister for Regional Development, Minister for Public Sector Management, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises) (14:55): I am not aware of any house fires in South Australia that have been caused through the installation of insulation by unlicensed workers and that were installed during this—

There being a disturbance in the Strangers' Gallery:

The PRESIDENT: Out!

The Hon. G.E. GAGO: —program. I am more than happy to check that, but at this point in time I am not aware of any here in South Australia.

STATUS OF WOMEN

The Hon. S.G. WADE (14:56): I seek leave to make a brief explanation before asking the Minister for the Status of Women a question relating to the status of women.

Leave granted.

The Hon. S.G. WADE: The career of former treasurer Foley has shown how hard it is for a male minister to lose their position in the Rann government. In recent years, the Rann government has systematically lost six women from the ministry—the Hon. Lea Stevens, the Hon. Steph Key, the Hon. Trish White, the Hon. Carmel Zollo, the Hon. Karlene Maywald and the Hon. Jane Lomax-Smith—but only four men.

Women ministers have six times the attrition rate of male ministers. Labor's poor record on women was confirmed with today's ministerial appointments: only three of 15 ministers are women.

The member for Bright was overlooked, the minister herself was leapfrogged as Leader of the Government in this house and none of the women ministers is ranked in the top half of the ministry.

The new Rann Labor ministry has provoked fierce criticism from traditional Labor supporters such as Janet Giles of SA Unions. She described it as a 'blokey boys club' and as 'boofhead politics', saying, 'They are extreme social conservatives and don't represent the interests of working people or women.' On ABC radio, Janet Giles was asked, 'Does it matter that all the leaders are males?' She responded:

> As a woman I think it matters...We want a Government that actually represents the diversity of the community. We've got very few women in positions where they've got substantial power in the Government. It means that the voices of what it is like to be a woman aren't heard within the Parliament.

My question to the minister is: how can the Minister for the Status of Women credibly call for an increase in representation of women on state government boards and committees to 50 per cent, as demanded by target 5.1 of the South Australian State Strategic Plan, when the government's own ministry includes fewer women ministers than when the government was first elected?

The Hon. G.E. GAGO (Minister for Regional Development, Minister for Public Sector Management, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises) (14:58): I find it quite incredible that the honourable member has enough gall to stand up and ask those questions in this place when his party, the Liberal Party, has the most disgraceful, appalling track record in this state—absolutely appalling.

Members interjecting:

The PRESIDENT: Order!

The Hon. G.E. GAGO: He has no shame. I just cannot believe he has—

The Hon. S.G. Wade interjecting:

The PRESIDENT: Order! The Hon. Mr Wade might show some respect for the woman on her feet trying to answer the question.

The Hon. G.E. GAGO: As I said, I cannot believe he has the gall to stand up in this place when his own party has the most appalling, atrocious track record.

The Hon. J.M.A. Lensink: Justify those comments.

The Hon. G.E. GAGO: I have been asked to justify those comments, so I would love to take the opportunity to do that, given I have been asked to do so. So, let's start with boards and committees. Let's start with one of the later comments that he made.

Members interjecting:

The Hon. G.E. GAGO: Don't worry, we will get there. We have plenty of time on the clock. Let's start with boards and committees. When this Labor government took over, I think the number of women on boards and committees was sitting down around the very low 30 per cent (it might have been 32 or 33 per cent), and that was what it was sitting on. What is it sitting on today? Over 45 per cent. It was 30 per cent under Liberal, over 45 per cent under Labor. In fact, in South Australia, not only have we, through our very careful strategic planning and the setting of targets where we are publicly accountable—

The Hon. J.M.A. Lensink: Which was started by Diana Laidlaw.

The PRESIDENT: Order!

The Hon. G.E. GAGO: Diana Laidlaw did not start our strategic plan targets. The whole state sets clear public targets on the public record that we are publicly accountable for. One of those targets has been our 50 per cent representation on boards and committees, and it is through setting a target like that, in that open and transparent way, that has helped drive this agenda to bring about this very impressive result.

We have set it at 50 per cent; we have a way to go. We will keep striving but, as I said, you have a miserly old 30 per cent, as opposed to over 45 per cent. It is one of the highest percentages in the nation, so not only are we doing very well in South Australia but South Australia is doing very well at a national level. Let us just look at parliamentary participation. In overall terms the Labor Party has a total of 11 women in the South Australian parliament, as opposed to—

Members interjecting:

The Hon. G.E. GAGO: Well, I think it is 11 women—as opposed to five Liberal women in the South Australian parliament. Just in case that escapes the opposition: 11 women, Labor: five women, Liberal. That is less than half. It is an absolute disgrace. How can he get up and challenge this party? Eleven: five. In the South Australian lower house, 34.6 per cent of Labor MPs are women—that is nine women—while 16.7 per cent of Liberal MPs are women; so that is 34.6 per cent compared to 16.7 per cent. That is three women.

In the upper house, 25 per cent of Labor members are women, or two out of eight; 28.6 are Liberal members and overall Labor's representation is 32.4 per cent. So 32.4 per cent are Labor, 20 per cent of Liberal representatives are women. As I said, what gall! For the first time in history, South Australia has a female Speaker in the House of Assembly (Ms Lyn Breuer) and she is joined by the member for Bright (Chloe Fox).

The upper house has had a female presiding officer. Labor's Anne Levy, who became president in 1986, was the first woman to be a presiding officer in a house of parliament—the first woman and a great woman too. I pay homage and high recognition to the Hon. Anne Levy.

Federally, there are an additional two women ministers in the outer ministry; there are 12 parliamentary secretaries, of whom six are women; and there are currently 37 women from a total of 150 members in the House of Representatives. There are 37 women in the House of Representatives; 23 are Labor Party representatives, while 13 are Liberal. So, even at a federal level, there is the same pattern of lack of recognition for women in parliament: 23 as opposed to 13. The list goes on. It is the same thing with senators, where we are way ahead. The list goes on and on.

Just to recap, 37.5 per cent of all Labor parliamentarians in Australia are women, while 23.4 per cent of Liberal parliamentarians are women so that is 37.5 as opposed to 23.4, and of course 12.7 are Nationals. Of course, Family First has zero—

An honourable member: And d4d 100 per cent!

The Hon. G.E. GAGO: —exactly, d4d 100 per cent—and Greens in this place 50 per cent. So, it is an absolute disgrace. Other than Family First, the Liberals are coming a sad and sorry last when it comes to women's representation.

WORKCOVER REVIEW

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) (15:05): My question is to the Minister for Industrial Relations. Can he say what a great job his predecessor—no, that's not my note!

Will the minister outline the objectives of the independent review on the impact of the Workers Rehabilitation and Compensation (Scheme Review) Amendment Act 2008?

The Hon. B.V. FINNIGAN (Minister for Industrial Relations, Minister for State/Local Government Relations, Minister for Gambling) (15:05): I thank the Hon. Mr Holloway for his question, and I will take the opportunity for a brief moment to say what an outstanding job he did as a minister, as leader of the government in this place and as a Labor parliamentarian.

The Hon. Mr Holloway has been a good friend and mentor to me for many years, and I look forward to enjoying his wise counsel in my new position. Some of us might have expected the Hon. Mr Holloway to go on forever, such was the energy and commitment he brought to the position. I certainly wish him well in his continued parliamentary career.

As required under the Workers Rehabilitation and Compensation Amendment Act 2008, the South Australian government has initiated an independent review of the comprehensive reforms to our state's injured workers compensation system. I am pleased to advise that two leading experts, Mr Bill Cossey AM and Mr Chris Latham, have been appointed to conduct this review.

Mr Cossey is a highly respected independent consultant with extensive experience as a former senior executive in the South Australian public sector, and I am sure he would be well known to many honourable members in that capacity. Mr Latham is a senior partner at PricewaterhouseCoopers, with more than 20 years' experience in providing advice on the operation of accident compensation schemes both here in Australia and internationally.

These independent experts are authorised to commission relevant actuarial evaluations and any necessary social and economic impact assessments required to support their work in reviewing the changes to the Workers Rehabilitation and Compensation Amendment Act 2008. A small team from the Department of the Premier and Cabinet will support Mr Cossey and Mr Latham.

The terms of reference for the review are set out in schedule 2 of the amendment act, which would be familiar to honourable members and which requires the independent reviewers to assess (a) the impact of the Workers Rehabilitation and Compensation (Scheme Review) Amendment Act 2008 on workers who have suffered compensable disabilities and been affected by the operation of the amending act; (b) the impact of the amending act on levies paid by employers under part 5 of the Workers Rehabilitation and Compensation Act 1986; and (c) the impact of the amending act on the sufficiency of the compensation fund to meet the liabilities of the WorkCover Corporation of South Australia under the principal act, being the 1986 act.

Members of the public and other interested parties have been invited to provide written submissions to the review team by 4 March 2011 on the impact of the reforms and the goals of providing better support for returning injured workers to work and gradually creating a more affordable and sustainable scheme. This review will help determine if the reforms undertaken are assisting us to achieve this objective.

The review team will provide a final report to me by 24 May this year, and I will provide a copy of the report to both houses by 23 June. All submissions will be publicly available on the 2011 WorkCover Review website at the conclusion of the review. Commercially sensitive information included in any submission can be elected to be kept confidential and all personal details will be omitted before publication.

MARATHON RESOURCES

The Hon. M. PARNELL (15:09): I seek leave to make a brief explanation before asking the Hon. Paul Holloway, the former minister for mineral resource development, a question about the granting of a new exploration licence to Marathon Resources.

Leave granted.

The Hon. M. PARNELL: Yesterday, Marathon Resources confirmed that they had agreed to accept a new exploration licence over the spectacular and iconic Arkaroola Wilderness Sanctuary that was offered to them by the Rann government. The response from geologists, ecologists and the wider South Australian community has been predictable: it has been total condemnation.

Also at odds with previous practice, the Sprigg family, the owners of part of the sanctuary and custodians of the rest, were kept totally in the dark about the conditions of the new licence by the Department of Primary Industries. The Spriggs were devastated to discover that the company has been allowed back in to drill for the first time since 2007, which is a clear betrayal of the commitment made by acting minister Jack Snelling on 21 December last year that the licence would contain stricter conditions.

The significant weakening of the conditions that have severely restricted Marathon's operations over the last three years has surprised many. For example, this morning on ABC radio, Matthew Abraham said:

> ...this program understood from a very good source before Christmas that the Rann government was considering doing the absolute reverse and, that is, not extending the mining lease, the exploration lease and in fact was considering options including making it a national park and banning mining completely from there, so quarantining it...we don't know what happened from then until now but it was quite good information, (if) I can put it that way. We do know though that Marathon Resources is very well connected, has former Labor senator, former party secretary Chris Schacht first as a lobbyist, now he is a director of Marathon Resources. You do wonder whether he and others got cracking in the interim because that did send a bit of a shiver through Marathon Resources...

My questions of the former minister are:

1. What happened between October and December of last year to change your mind about throwing Marathon Resources out of Arkaroola?

2. Did you have any communication or conversations with John or Davina Quirke from lobbyist firm Pallidon, Chris Schacht, or Senator Don Farrell over the future of Marathon Resources between October and December of last year?

3. Why weren't the Spriggs consulted by PIRSA about the conditions of the new licence, which is a clear breach of the understanding that you previously gave in this place about the importance of the relationship with the owners of the Arkaroola Sanctuary for the future success of mining activities on that site?

4. Why has the requirement for approval of the chief executive of the environment department prior to entering the Arkaroola Wilderness Sanctuary to carry out exploration been removed from the new licence?

The Hon. P. HOLLOWAY (15:12): I suggest that the Hon. Mr Parnell reads the press statement that was put out by the acting minister, the now Treasurer, Mr Snelling, in my absence in December. That remains the position, as far as I am aware, in relation to Arkaroola. For any other matters I suggest that he put his question on notice to the new Minister for Mineral Resources Development.

WOMEN HOLD UP HALF THE SKY AWARD

The Hon. I.K. HUNTER (15:12): I seek leave to make a brief explanation before asking the Minister for the Status of Women a question about the new Women Hold Up Half The Sky award.

Leave granted.

The Hon. I.K. HUNTER: The minister has told us many times of her desire to see more women recognised for their contributions to our communities—contributions that often go overlooked. The establishment of the new Women Hold Up Half The Sky award was an initiative developed to honour South Australian women as part of the Australia Day awards process. Will the minister tell us about the inaugural recipient of the new Women Hold Up Half The Sky award?

The Hon. G.E. GAGO (Minister for Regional Development, Minister for Public Sector Management, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises) (15:13): I thank the honourable member for his most important question and his ongoing interest in this important policy area. Each year our nation celebrates the achievement and contribution of eminent Australians through the Australia Day awards by profiling leading citizens who act as role models for all of us. They inspire us through their achievements and challenge us to make our own contribution to creating a better Australia.

Women Hold Up Half The Sky is an inaugural Australia Day Council of South Australia award acknowledging the contribution of outstanding women in the community. The Australia Day Council of South Australia awards include the Premier's award for community service and the Minister for Education's award for excellence in multiculturalism and language.

The new award, recognising and acknowledging inspirational South Australian women, forms part of a strategy to increase the nomination of women to national and state awards and honours. The award has taken its name from a very well known piece of art by internationally recognised South Australian artist Ann Newmarch. Ann Newmarch, who lives in Adelaide, is herself a recipient of the Order of Australia for services to art. I understand that she has had over 30 solo exhibitions and is represented in many major national and international collections. I had the pleasure of meeting with the artist at the launch of the award on 21 September at the Art Gallery of South Australia, where her work is held. It is a fabulous piece of work. I had seen prints of it in the past, but that was the first time I had seen the original print, and it is quite spectacular.

The name of this award should serve as a great source of inspiration to South Australian women, not only as the name of this artwork. The name is very fitting for a new award. Ann Newmarch is herself an active and very creative South Australian woman, who has won national and international recognition for her work. She is an amazing, inspirational woman in her own right.

Nominations for the award opened on 21 September 2010 and closed on 10 December. The Australia Day Council of South Australia award acknowledging the contribution of outstanding women was awarded at Government House on Australia Day Eve, 25 January 2011. I was very privileged to present the first Women Hold Up Half the Sky award at that event, and it was awarded to Pat Waria-Read. Aunty Pat is a very proud Ngadjuri woman, whose contribution to the community is recognised at a local, state and also national level.

Pat started her political education at a very early age. As a teenager in the 1960s, she often travelled to Canberra with her mother, Winifred Branson. Winifred was also an inspirational political activist, and she worked with people such as Faith Bandler, Dr Nugget Coombs and Pastor

Doug Nicholls, all quite famous activists. Pat is a great advocate for Aboriginal people, especially Aboriginal women. Her goal has been to ensure that the voices of Aboriginal women are heard, respected and listened to. She currently works at Kurruru Youth Performing Arts in Port Adelaide, and she is actively involved with the Aboriginal Prisoners and Offenders Support Service.

Aunty Pat is also actively involved as a delegate to the State Aboriginal Women's Gathering and the National Aboriginal and Torres Strait Islander Women's Gathering, of which she was also deputy chair. At the 2010 State Aboriginal Women's Gathering, she was elected as part of the delegation group to act on behalf of the 2010-11 gathering. Aunty Pat is a respected elder, teacher, mentor and inspirational role model to the many people with whom she comes into contact in her working life and also throughout the community generally. She is a tireless worker for Australia's first people, and I was very proud to have been able to present her with the inaugural Women Hold Up Half the Sky award.

KIMBERLY-CLARK AUSTRALIA

The Hon. B.V. FINNIGAN (Minister for Industrial Relations, Minister for State/Local Government Relations, Minister for Gambling) (15:18): I table a copy of a ministerial statement relating to Kimberly-Clark Australia made by the Treasurer.

QUESTION TIME

MINISTERIAL RESPONSIBILITIES

The Hon. R.I. LUCAS (15:18): I seek leave to make a brief explanation before asking the Leader of the Government a question about ministerial responsibilities.

Leave granted.

The Hon. R.I. LUCAS: The minister has been given responsibility, so we are told, for industrial relations. As members would know, responsibility for all private sector industrial relations now rests in the federal arena. The minister has been given responsibility for state/local government relations—as members would be aware, there is very limited responsibility for a state government, generally relating to oversight of local government—and the gambling portfolio, which has traditionally been seen by governments as a junior portfolio.

Members would also be aware that, in the past, leaders of the government have generally held senior and important portfolio positions, such as Attorney-General, education, Treasury, planning, mining, industry, police and a variety of other portfolios. My questions are:

1. Does the minister agree with the judgement of many journalists and commentators that the reason he has been given such a lightweight collection of portfolios is that the Premier has made the judgment about him that he does not have the ability or capacity—

The PRESIDENT: Order!

The Hon. R.I. LUCAS: —to handle any more complicated or significant—

The PRESIDENT: You are asking for an opinion.

The Hon. R.I. LUCAS: —or important portfolios?

2. If the minister does not agree with that view—

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: You are on the way out, Paul, so don't worry about it. You are yesterday's man. You have been shafted.

The PRESIDENT: Order!

The Hon. R.I. LUCAS: You were told to go. You wanted four years and you have been given a year.

The PRESIDENT: Order!

The Hon. G.E. Gago interjecting:

The PRESIDENT: Order! The honourable minister will come to order.

Members interjecting:

The PRESIDENT: Order!

The Hon. G.E. Gago interjecting:

The PRESIDENT: Order! The honourable minister will come to order. I am sure the honourable minister will have an answer that will satisfy the question, but I am sure he will avoid the opinion.

The Hon. R.I. LUCAS: Mr President, if he does not agree with that judgement, can he explain to the chamber why he is the first leader of the government in this chamber ever to be given such a lightweight collection of portfolios by his leader?

The Hon. B.V. FINNIGAN (Minister for Industrial Relations, Minister for State/Local Government Relations, Minister for Gambling) (15:20): Of course, the allocation of portfolios is a question for the Premier, and I am very happy with the portfolios that he has given me. I am happy to serve in any capacity that the Premier sees fit, and I am certainly very grateful and honoured by the confidence my colleagues have placed in me by electing me to this position.

The Hon. Mr Lucas is so predictable that he ought to just send a shadow puppet to say what he is going to say. I almost could have written this question before I even walked in today, because the Hon. Mr Lucas bowls up the same old nonsense again and again, and he contradicts himself from day to day.

For months in this chamber the Hon. Mr Lucas has been saying that I was out for your job, Mr President, or the Hon. Mr Holloway's job. It was the whip's position at one point. I was going for every job there was. He has continually referred to me as an ex-union factional boss and a heavyweight, blah, blah. He has continually gone on about my being some shadowy backroom figure who calls all the shots. Now, suddenly, overnight, I am a lightweight. 'Who's this guy? He doesn't know anything.' How do I go from being a factional hack operator, ex-union boss, heavy, etc, to a lightweight who has been given no portfolios?

It is an absolutely ridiculous line of argument for the Hon. Mr Lucas to use, and it demonstrates how bankrupt the Liberal opposition is. The fact that the Hon. Mr Lucas is opening the bowling—to use a cricket analogy, which the Hon. Mr Ridgway is fond of—demonstrates that the Liberal Party is incapable of the sort of renewal and change that the Labor government has achieved. The Liberal Party is incapable of renewal or change.

So, who is the de facto Leader of the Opposition in this state? Who is it who leads the Liberals in this state? Who do you see on television and in the paper? Is it the Hon. Mr Ridgway? Is it Isobel Redmond from another place? No: it is the Hon. Mr Lucas. He is out there every day. He is the one rolling up and opening the bowling for the Liberal Party. The best they can do is a failed treasurer, the one hangover left from the failed Olsen government—a discredited treasurer from a failed, disgraceful government that was racked by scandal and mismanagement. The one remaining senior figure from that government is the most senior person in the Liberal Party.

Well may the Hon. Mr Ridgway hang his head, as do all of the shadow ministers in the Liberal Party, because they are embarrassed and humiliated that the very best that can be done by the Liberal Party is the Hon. Mr Lucas. The Hon. Mr Lucas is the one who goes out there and does the media. He is the modern face of the Liberal Party—a man who has spent years in party office and then has been a parliamentarian for over 30 years. He is the new face of the Liberal Party. He is the failed treasurer, Mr Sale of ETSA, Mr Deficit Budget. He is the new face of the Liberal Party. The new face of the Liberal Party is the Hon. Mr Lucas. The man of the future is the man who oversaw the sale of ETSA, who never delivered a surplus budget.

The Hon. T.J. Stephens: How's your forest, Bernie? You're selling your people out; you're a loser and a jerk.

The PRESIDENT: Order! The Hon. Mr Finnigan should refrain from exciting the opposition.

The Hon. B.V. FINNIGAN: I apologise; I did not realise the Hon. Mr Stephens could not control his conduct in the chamber. It is quite an insult by the Hon. Mr Lucas to suggest that the portfolios that I manage—or indeed which any minister manages—are insignificant. He says industrial relations are not important. As far as the Hon. Mr Lucas is concerned, industrial relations are not important. The rights of public sector workers are not important. Fair workplaces are not important. Workers compensation is not important. Public holidays are not important; they are insignificant. Local governments—councils—are insignificant and unimportant. The services

delivered by local councils every day in rubbish collection, libraries, social welfare—all the services councils provide—are not important as far as the Hon. Mr Lucas is concerned; they are just nothing. They are not significant.

When it comes to gambling, we all know that the Hon. Mr Lucas is just a mouthpiece in here for the gambling industry, like his good friend, the Hon. Mr Stephens. They are the Cheech and Chong of the gambling industry. The Hon. Mr Lucas always toes the line of the gaming industry and the Hon. Mr Stephens the racing industry. Here he is saying that the ministerial portfolio of gambling is not significant. He does not care about problem gamblers or about the regulatory framework governing poker machines. We know that as far as the Hon. Mr Lucas is concerned it should be open slather; everyone should be able to do whatever they want when it comes to liquor licensing, gaming and all the rest, because he thinks it is not important. He does not care. As far as the Hon. Mr Lucas is concerned, what councils do does not matter, issues affecting gambling do not matter and workers rights and compensation do not matter. That is a pretty disgraceful attitude.

How extraordinary that the Hon. Mr Lucas has also spoken about past figures in this chamber, including the Hons Messrs Blevins, Cornwall and Sumner. I ask what the Hon. Mr Sumner would have to say about Hon. Mr Lucas. I am sure we can all agree on one thing, and that is that he would have no kind words to say about the Hon. Mr Lucas, who now holds him up as an example of someone who should be emulated by me or any minister. Indeed, Messrs Cornwall, Blevins and Sumner were fine ministers and made a great contribution in their time, which was of course some time ago, which reflects that the Hon. Mr Lucas is a lifetime politician. He has never really done anything else. He is not capable of doing anything else, and how extraordinary it is that I should cop this criticism from members opposite.

Who do we have? We have a hereditary peer up the back, a career politician and staffer, two staffers down the front—the Chris Pyne faction—a couple of people who could not get into the House of Assembly and the Hon. Jing Lee who, to be fair, I think is the only person there who has any sort of representation beyond being a political hack of the Liberal Party who simply managed to do the numbers to get here. How absurd that the Hon. Mr Lucas, of all people—a failed Treasurer, a hangover from a past failed government, a man who has usurped the Leader of the Opposition in another place because, despite what his colleagues want, he has no confidence in her abilities—holds himself out as the de facto leader of the opposition. The Hon. Mr Lucas is the face of the modern Liberal Party—

The Hon. T.J. Stephens interjecting:

The PRESIDENT: Order, the Hon. Mr Stephens!

The Hon. B.V. FINNIGAN: —and that says everything. The best they can do, the best they can bowl up, is the Hon. Mr Lucas, yesterday's man, a shadow of his former shadow.

CRUISE LINERS

The Hon. R.P. WORTLEY (15:30): I seek leave to make a brief explanation before asking the Minister for Industrial Relations a question regarding cruise liners.

Leave granted.

The Hon. R.P. WORTLEY: Eight cruise ships will visit South Australian waters this month, including the renowned *Queen Mary 2*, the largest cruise liner ever to visit the state. The *MV Athena* has also returned to Adelaide for the 2011-12 season, using Outer Harbor as its home port for a range of South Australian-based cruise itineraries.

The South Australian cruise ship industry has experienced significant growth during the past five years, with the 2009-10 cruise season attracting a record 27 arrivals and up to 50,000 passengers to the state. With both the *Queen Mary 2* and the *MV Athena*, the eight-deck flagship of Classic International Cruises, both due to arrive at Outer Harbor early on Sunday 22 February, can the minister provide details of any special arrangements for the thousands of passengers expected to descend on Adelaide?

The Hon. B.V. FINNIGAN (Minister for Industrial Relations, Minister for State/Local Government Relations, Minister for Gambling) (15:31): I thank the Hon. Mr Wortley for his question. I am pleased to inform the house that the state government has given one-off approval for early Sunday trading in Rundle Mall to coincide with the morning arrival of these two major cruise liners.

The impending arrival of the *Queen Mary 2* and the *MV Athena* prompted a request from the Rundle Mall Management Authority for a variation in Sunday trading hours. Following consultation with the relevant stakeholders, the management authority's request was accepted and an exemption notice prepared to allow non-exempt shops within the Rundle Mall precinct to trade from 9am. By opening two hours early on 20 February, Rundle Mall retailers and non-exempt shops to the east of Pulteney Street will be able to cater for the influx of visitors from Outer Harbor.

Building up South Australia's reputation as a destination for these major cruise liners is one of this government's key tourism strategies. The return of the *Queen Mary 2* and the *MV Athena* later this month is expected to provide a healthy injection into our local economy. With arrangements in place by tourism operators to bring many of the thousands of passengers into the city early Sunday morning, it makes sense to allow shops to open at 9am on this special occasion. Smaller retailers, who often choose not to open until the major department stores begin trading on Sundays, now have an opportunity to decide whether to take advantage of the early opening time.

This approval for early Sunday trading is a one-off due to the extraordinary circumstances presented by the arrival of two major passenger ships to Outer Harbor and demonstrates the flexibility of our trading hours that we can cater for such events when they arise. The government is happy to consider any future requests for temporary extensions when there are special circumstances such as these. There is no compelling reason at this time to make permanent early Sunday trading for non-exempt shops in the Rundle Mall precinct.

It is worth putting on record that the Rann government delivered the biggest ever changes to South Australian shop trading hours. Adopted in 2003, those changes strike a fair and reasonable balance between the interests of large retailers, small business operators, their employees and consumers. South Australian shoppers now have more than 700 extra trading hours a year, including between 11am and 5pm on Sundays, compared with the hours provided by the previous Liberal government. Those changes were subsequently supported by an independent report conducted by the widely respected retired senior Youth Court judge, Alan Moss. The Moss report clearly found there was no evidence that the South Australian public wanted any further extension to existing trading hours.

I certainly hope that the visit of these cruise ships is a success and that the passengers travelling on them and enjoying the trip to our beautiful state enjoy the experience and have an opportunity to shop in Rundle Mall.

HEALTH PERFORMANCE COUNCIL

The Hon. G.E. GAGO (Minister for Regional Development, Minister for Public Sector Management, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises) (15:34): I table a ministerial statement by the Hon. John Hill on the Health Performance Council.

QUESTION TIME

GAMING MACHINES

The Hon. R.L. BROKENSHIRE (15:34): I seek leave to make a brief explanation before asking the new Minister for Gambling, and Leader of the Government, who I congratulate on his position, a question regarding pokies'—

An honourable member interjecting:

The Hon. R.L. BROKENSHIRE: I did indeed help him get there, and I am not even in the factions—a question regarding pokies' market power.

Leave granted.

The Hon. R.L. BROKENSHIRE: As a dairy farmer, I am witnessing first-hand the human cost of the Coles/Woolworths duopoly flexing its massive market powers with the current price war. In the USA, the top two supermarket players have 20 per cent of the market; in the UK, it is 48 per cent; yet here in Australia it is up above 70 per cent market share for the duopoly, yet the ACCC seems to have trouble intervening in the market power held by the supermarket duopoly to date.

Turning to the minister's gambling portfolio, we hear regularly that Coles and Woolworths are moving strongly into hotel ownership and poker machine operations. Woolworths owns about 12,000 pokies nationwide and 280 hotels through the ALH Group. Coles' parent company,

Wesfarmers, owns 3,000 pokies with 90 hotels across the nation. In Victoria, Monash University identified $1.89 billion in profits from pokies for Woolworths since 2004. Woolworths owns almost a third of the state's pokies entitlements in Victoria.

There are concerns ranging from the hotel industry itself to anti-gambling advocates and the concern sector about the social benefit of the duopoly muscling into hotels. In conclusion with my explanation, on a pro rata basis it appears that about 1,000 poker machines now in South Australia would be held by Coles and Woolworths. My questions to the minister are:

1. Is the minister advised on the extent and trends of local and national Coles and Woolworths related ownership of hotels that have poker machines and, if not, will he bring a response to the house when he has time to be advised?

2. Is the government concerned or unconcerned about this powerful duopoly flexing its market power within the poker machine industry?

The Hon. B.V. FINNIGAN (Minister for Industrial Relations, Minister for State/Local Government Relations, Minister for Gambling) (15:37): I think, as Minister for Gambling, the key responsibility that I have is to oversee the regulatory framework that parliament has put in place. Obviously, there have been changes in relation to gaming machines. There have been changes to the legislation over the years. Often those matters are subject to a conscience vote, and people do indeed have lots of different views about the framework that should exist for gaming machines and other gambling activities. So, it is important that I fairly and diligently administer the legislation as it stands.

In relation to the number of licences that might be owned by Coles and Woolworths, that is not information I have to hand. I am happy to take that question on notice and bring back a response. In relation to the ownership of hotels, that would be a matter on which I would seek some information or advice from my colleague, the Minister for Consumer Affairs, in relation to liquor licensing. Obviously, we expect anyone who holds a liquor licence or gaming machine licences to comply with the law and to act responsibly. I will find out more information for the honourable member in relation to the holdings of those two companies in particular.

ANSWERS TO QUESTIONS

HEARING LOOPS

In reply to the **Hon. K.L. VINCENT** (13 May 2010).

The Hon. G.E. GAGO (Minister for Regional Development, Minister for Public Sector Management, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises): The Minister for Disability has provided the following information:

1. I am advised that 83 state government buildings contain hearing loops.

2. I am advised that of the 83 units, none have been identified as being in need of repair.

3. A twelve month warranty period applies to newly installed hearing loops.

Due to the maintenance free nature of the equipment, the 'hi Deafness Friendly co-ordinator has advised of only three breakdowns for 600 installations in the last six years. Scheduled maintenance is not recommended, unless there is a change to the electromagnetic field in which they operate.

4. Of the 83 units identified, all are in working order.

5. State Government departments develop separate plans for the installation of equipment to ensure buildings and services are accessible and inclusive. This may include hearing loops. Whilst 83 units are already in use, further hearing loops in State Government buildings will be installed if identified during the ongoing implementation of each department's Disability Action Plan.

OPAL FUEL

In reply to the **Hon. T.J. STEPHENS** (25 May 2010).

The Hon. G.E. GAGO (Minister for Regional Development, Minister for Public Sector Management, Minister for the Status of Women, Minister for Consumer Affairs, Minister for

Government Enterprises): The Minister for the Aboriginal Affairs and Reconciliation has provided the following information:

The Commonwealth Department of Health provided funds for the installation of an Opal fuel outlet within the residential area of the Yalata Community to assist in reducing incidences of petrol sniffing. Yalata is part of the rollout of Opal fuel facilities; however, some delays have been experienced.

The Yalata Community initiated the funding application and selected the site for the outlet. Since the initiation of the project however, the Yalata Community decided to change the location of the fuel outlet to the former Yalata Roadhouse. This has resulted in significant difficulties regarding the resolution of legal, tenure, planning, regulatory approval, site selection and service connections issues.

South Australian department officials have been engaged in discussions with their Commonwealth counterparts to resolve these issues.

SOUTH AUSTRALIAN CERTIFICATE OF EDUCATION

In reply to the **Hon. T.A. FRANKS** (16 September 2010).

The Hon. G.E. GAGO (Minister for Regional Development, Minister for Public Sector Management, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises): The Minister for Education has advised that:

The future SACE Office and the SACE Board of South Australia are responsible for the professional development associated with the implementation of the new SACE. Throughout the implementation of the new SACE, grants for professional development have been provided to schools for teacher release to attend workshops across 2008 to 2010. Nearly $10 million has been allocated to professional development grants for schools across this period.

Implementation Officers, employed by the future SACE Office, each work with a group of schools and Principals to ensure all schools are confident in their readiness to implement Stage 2 of the new SACE in 2011. Tailored professional development and specific programs are being planned to meet the needs of individual schools. In addition, each of the school sectors is providing targeted support to schools in their sector that complements the work of the future SACE Office and SACE Board.

The professional development strategy also includes the provision of professional development workshops for teachers, middle managers and site leaders, and targeted pilot programs.

Professional development in 2010 has focused on:

- Stage 2 new and revised subjects (which includes the Research Project);
- the application of performance standards and school-based assessment training; and
- modified subjects for students with severe disabilities.

In addition, $1.2 million was provided to schools in 2009 to undertake a pilot to support their preparation to teach the Research Project subject.

In 2009, there were over 10,500 registrations for professional development activities to support the implementation of the new SACE, with a number of teachers attending multiple workshops.

DECS is providing a helpline service that can be accessed by phone, fax, email and the internet. This service supports teachers developing learning and assessment plans for year 12 subjects in 2011, so plans can be approved after 3 December prior to the start of the 2011 school year.

PARKS COMMUNITY CENTRE

In reply to the **Hon. T.A. FRANKS** (28 September 2010).

The Hon. G.E. GAGO (Minister for Regional Development, Minister for Public Sector Management, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises): The Minister for Families and Communities has provided the following information:

1. The State Government is undertaking a comprehensive review of the Parks and its services, and consulting widely with the community about the future of the Parks Community Centre.

Funding for services at the Parks is provided by the State Government, by way of an existing service agreement.

Monsignor Cappo's review will provide further insight into the community's requirements at the Parks and no change will be made to operations until this review is complete and the community has had their say.

The Port Adelaide Enfield Council currently uses the funding to provide arts activities, sports, fitness and library services.

The Port Adelaide Enfield Council is in agreement that a joint approach between Local, State and Federal Government agencies is needed to address the changing needs in the community, and that the State Government currently funds services that are generally paid for by Council.

The current Parks Community Centre is ageing and under-utilised and it does not meet the needs of the community as well as it could.

The State Government is committed to a solution to ensure the Parks sustainability, but recognises that for Parks to continue to be useful to the community all tiers of government need to be involved and share responsibility.

RESIDENTIAL TENANCIES

In reply to the **Hon. J.M.A. LENSINK** (28 October 2010).

The Hon. G.E. GAGO (Minister for Regional Development, Minister for Public Sector Management, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises): I am advised that:

1. Collection of fees began on the 1 July 2010. As at 1 November 2010 the fee has been levied 1,742 times.

2. In 2009, there were 9,370 hearings. To 31 October, in 2010, there have been 7,108.

3. In 2009, OCBA Tenancies Branch assisted with approximately 3,600 tenancies and tribunal file matters and in 2010, as at 31 October approximately 2,400 tenancies and tribunal file matters.

4. The fee was introduced to reduce the number of disputes unnecessarily reaching the Tribunal. Therefore, the time taken to resolve disputes is not a measure of the effectiveness of the fee.

ADELAIDE CEMETERIES AUTHORITY

In reply to the **Hon. D.G.E. HOOD** (28 October 2010).

The Hon. G.E. GAGO (Minister for Regional Development, Minister for Public Sector Management, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises): I am advised that:

1. There is no legislation in South Australia expressly dealing with the ownership of burial monuments, and the application of the common law to burial monuments has not yet been tested in this State.

During the recent consultations with industry stakeholders for the re-making of the Local Government (Cemetery) Regulations 2010, I received several submissions from cemetery authorities and others on the matter of disposal of unwanted cemetery monuments.

The Government resolved to remedy the situation by making a new regulation, provided certain conditions are met, to permit a cemetery authority to dispose of an unclaimed memorial that is no longer marking a licensed interment site.

The conditions required are that:

- two years or more have elapsed since the interment right expired;

- the authority has made reasonable efforts to contact relatives of any person named on the memorial (including by placing a public notice in a newspaper circulating throughout the State, by letter to known relatives and by notice affixed to the memorial); and
- no person has claimed the monument at least six months after publication of the public notice.

The new Regulations came into effect on September 1, 2010.

CONTROLLED SUBSTANCES (THERAPEUTIC GOODS AND OTHER MATTERS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 24 November 2010.)

The Hon. J.M.A. LENSINK (15:40): I rise to provide some comments in relation to this bill which I understand is reasonably technical in that it seeks to straddle the commonwealth and state regimes that apply to therapeutic goods and prescribing. I received a letter from the minister last month containing a brief paragraph that I will read into the record for the benefit of members. The letter states:

> [This bill] enables nurse practitioners and midwives (with the relevant endorsements) to practice to the full scope of their competence and to prescribe some scheduled medicines. This would result in their patients being able to access subsidised medicines under the Pharmaceutical Benefits Scheme, as well as providing people, particularly in rural areas, with greater access to healthcare. The bill will also enable items such as cosmetics and deodorants to be sold via vending machine, as well as place controls on the unscheduled medicines and medical devices that would be permitted to be sold via vending machines, such as small packs of paracetamol and syringes. Finally, the bill also seeks to apply the Therapeutic Goods Act 1989 [of the commonwealth] as a law of South Australia to ensure that there are no gaps in the regulation of medicines and medical devices in South Australia.

There was fairly extensive discussion of this bill in the House of Assembly so I will refer people to those debates. I do note that we have had changes to our registration of health practitioners which is moving to a federal regime and that has captured some of these issues, and therefore the prescription and related matters need to be unified to provide that those practices can take place within people's scope of practice and within their training. I do not propose to go over all of that in great detail.

I do note that my learned colleague the Hon. Stephen Wade has an amendment to this particular bill which he will address at the committee stage of the debate. I indicate that we are generally supportive of this bill. I note too that there are some tricky issues that I think have arisen for quite some decades which could be described as professional patches, that the nursing federation is very active in seeking the recognition of nurse practitioners and that the AMA is concerned about allowing midwives and nurse practitioners to provide prescription drugs and other medications under the PBS.

However, that is a matter for other debate rather than, I think, hindering what may take place through the mechanisms of this bill. With those brief words, I indicate that we support the bill and look forward to the committee stage of the debate.

The Hon. T.A. FRANKS (15:43): I rise to speak on behalf of the Greens on the bill before us today. We welcome this bill, which, as the government has outlined, takes account of national registration of health practitioners and enables registered health practitioners to practice to the full scope of their competence. We also take particular interest in the work that is being done here in terms of authorising eligible midwives and nurse practitioners to prescribe schedule 4 and schedule 8 prescription drugs, and we welcome that.

We note that this bill comes before us partly in relation to (and just some months since) the national registration of health practitioners was debated in this place. Many would remember that that debate in fact took place in the final possible hours by this state and at a very late juncture in terms of registration for health practitioners moving to a national scheme. The lateness of our state in that debate saw our state registration officers keenly awaiting and listening to our debate in this place as they sat with files and boxes, not knowing where they would be working the week after, whether or not a state registration scheme would have to be continued or whether they would be moving to the national system.

At that stage we raised concerns at the lateness of our debate on that bill and a state government having such a long lead time and such a long discussion time and yet putting legislation to enable the national registration scheme before a parliament in the final hours.

Unfortunately, our fears have been realised. We have seen in the media recently that, in fact, the national registration scheme is in disarray.

Last week the federal health minister, Nicola Roxon, was seeking advice as thousands of doctors around the country were left unregistered. Many health practitioners around the country are unclear whether or not they are registered due to administrative issues. This has occurred because we have not had full and proper debate in a timely manner in our state parliaments, and I think that is a shame. I do hope that the federal government addresses this with a great deal of urgency, and I trust that all efforts will be put into that.

Getting back to the bill at hand before us right now, as we are aware the national boards now govern those who are registered under their patches (as the Hon. Michelle Lensink mentioned), and nurses and midwives are one such group. Prescription by midwives and nurse practitioners is a very important element of this bill that the Greens welcome. In fact, we would like to see women given more birthing choices in this country and not fewer. We would like to see nurse practitioners and midwives given a greater role in our health system, and we hope that this goes some way to doing that.

Of course, we acknowledge that under the current system and under the maternity services federal budget package we are still with a scheme where a doctor is required to prescribe many of the drugs that are needed in more complicated cases. However, again, we welcome the fact that some moves are being made here. We were also pleased that the minister offered us a briefing on this matter. Minister Hill and his staff member, Alexandra Keen, were very generous with their time; and also the chief pharmacist, Mr Steve Morris, and the manager of policy and legislation for the minister in his department, Ms Liz Hender, shared their expertise, which was gratefully appreciated by the Greens.

We are also looking in this bill at the supply, for example, of medical therapeutic goods, if you like, such as condoms in vending machines. I am pleased to see that needle exchange programs and condoms in vending machines and other such harm minimisation strategies are supported by this legislation, and I look forward to those programs continuing under this state government. The Greens certainly very wholeheartedly support that harm minimisation approach to health in this area. We do not have any amendments to this bill, and we look forward to the progress of this bill through the committee stage. With that, I commend the bill.

Debate adjourned on motion of Hon. Carmel Zollo.

SOUTH AUSTRALIAN PUBLIC HEALTH BILL

Adjourned debate on second reading.

(Continued from 24 November 2011.)

The Hon. J.M.A. LENSINK (15:49): I rise to indicate support for the South Australian Public Health Bill, which will replace the Public and Environmental Health Act 1987. As has been noted in debate in the other place, this bill has been a long time coming in that a review was initiated by a former Liberal health minister, Dean Brown, as part of national competition policy, but the review was not completed. I note that this current review commenced in 2006 with consultation in 2009 to the bill that we now have before us.

I understand that there has been extensive consultation, particularly with local government authorities, and that a number of their concerns have been incorporated into the final version of the bill. The bill updates what is modern practice in terms of public health, in that, as was put to me, the old regimes arose from concerns about rats and vermin and so forth, whereas this has a different framework and therefore updates a number of practices.

There are a number of principles which are referred to from clause 6 of this bill, which probably reflect modern management practices. I note that we have inserted clause 6—Precautionary Principle, into various environmental acts, including the marine parks. There is a proportionate principle, which I think is entirely appropriate; sustainability, which is a bit of a buzz word that can be a little bit unclear, depending on its context; the principle of prevention, which I think is to be endorsed; population focus, which I was initially concerned on reading in that I think we need to be wary that in having a population-based health system we do not neglect the needs of individuals, but I note that that particular clause does refer to individuals; participation, which, as a Liberal, we particularly support and which states that, 'Individuals and communities should be encouraged to take responsibility for their own health', which is something that I think can get lost

in certain debates and people were treated as victims; the partnership principle, which I think is, again, to do with modern practices; and equity.

So, a number of those principles, I think, outline the underpinning of the intent of this piece of legislation. Clause 14(6) states:

> Any requirement restricting the liberty of a person should not be imposed unless it is the only effective way remaining to ensure that the health of the public is not endangered or likely to be endangered.

I think that that is also to be endorsed. There is a more defined role for the minister and local government, which is to be commended. There is a new role, which is evolving from the current role, for a chief public health officer, which is to be a statutory position. I think that is positive. That officer will report regularly to parliament and have some contact with the parliament in relation to public health matters. A South Australian public health council is to be established, which I think is probably a rebadging of existing provisions, and there are requirements for the making of public health policies. In particular, clause 55—that is, the state public health policy—can be disallowed by parliament.

There are some fairly strong provisions in this legislation which relate to various powers, and those are contained within division 2: power to require a person to undergo an examination or test, require counselling, give directions, require detention, and so forth. I indicate, again, that my learned colleague, the Hon. Stephen Wade, has an amendment to one of those powers, and I am sure that he will go through those in the course of debate.

I also have a question that I would like to place on the record, which is in the definition of wastewater and whether, because of this particular bill, the recycling and consumption of wastewater will be excluded by these provisions, in particular the Salisbury wetlands, which most people would be very familiar with. I have consumed a bottle of that and lived to tell the story that it is, in our view, quite safe. So, I ask whether it is the government's intention to exclude such waters from being able to be consumed because of these provisions.

There are also a number of confidentiality clauses, which I think are aligning the legislation with the World Health Organisation best practice, and I think that those are to be commended. In the past, people who handled that information may have thought it was appropriate to share it with others. Obviously, in these modern days, we understand that that is not appropriate and that people do have rights, which ought to be protected.

The other matter I wish to discuss is the voluntary codes of practice for industry. I think it is to be commended that it is much more of a partnership arrangement that industry will be brought into finding solutions if, for instance, chicken, pig or some other intensive animal husbandry industry has an outbreak of a particular virus and that they will not be treated to the paratroopers but will be treated as partners in trying to find a solution. With those brief words, I indicate that we will be supporting this bill, and I look forward to the committee stage of the debate.

The Hon. T.A. FRANKS (15:56): Again, I rise to speak on behalf of the Greens on the South Australian Public Health Bill 2010, which is intended to update and replace the previous Public and Environmental Health Act 1987 and provide what is termed to be a foundation for a flexible and responsible instrument to deal with public health issues now and into the future. It was certainly presented to us as a bill that takes a very outmoded act that we currently operate with in South Australia and provides us with an instrument that should serve us well for the new millennium.

The bill intends to promote, protect and preserve public health, and I would think that nobody in this place would stand in the way of that. It has a set of principles and guidelines for the administrators and provides for the creation of a statutory officer (a new position) and a chief public health officer for South Australia, which position will have overarching powers. It also establishes a public health council. As previous speakers have indicated, this, in some ways, is more of a reorganisation of current positions and expertise into something that is more streamlined and perhaps more transparent. It also provides for a public health review panel.

We are assured that this bill will allow for a more rapid response to public health interests, and I hope that is the case. It will also provide stronger powers to counter communicable diseases, including raising the penalties for endangering public health; it seeks to improve the coordination between public health officials; and it provides codes of practice for dealing with chronic, non-communicable diseases. The bill also provides, I think quite excitingly—I get excited about

these things, but not so much as my honourable colleague, Mr Parnell, who has just joined me—for the development of a state public health plan.

At this point, I must acknowledge that, while I hold this portfolio for the Greens, my honourable colleague has, in fact, decades of experience in this area and will keenly pursue the debate as it goes through the committee stage. I thank the minister for the briefing that was provided to me and my honourable colleague by the minister's office, facilitated by Alexandra Keen. That briefing provided us with the expertise of Mr Danny Broderick, Dr Chris Reynolds and Dr Stephen Christley, who is Executive Director, Public Health and Clinical Coordination. That briefing was provided in the last few days.

I note that bill has been a long time in coming, but those of us who are newer members in this place do not have that background, so I have had some difficulty in tracking down the various 59 submissions, I think, that were originally made. While there has certainly been an extensive consultation process, I note that, as I approached some of the organisations who made those initial consultation submissions, some of them were unaware that the final bill had, in fact, been presented to the parliament.

Those who were aware were not completely sure which, if any, of their concerns had been addressed. I note that perhaps, when a consultation is done, it would be a reasonable expectation that copies of the final result are sent to those who participate in such a process. Also, I have undertaken some consultation on behalf of the Greens and we have contacted the Local Government Association, Environmental Health Australia and also Doctors for the Environment. I must indicate that Doctors for the Environment are not satisfied, both in terms of a response from the government to their concerns about this bill and also to the approach taken by the government here.

Other peak bodies, such as SACOSS, that were able to respond to us have indicated that in fact in the time frame given for this final debate of the bill they do not have the capacity to fully engage in debate on this important topic, and I would note that is because they have energies directed at such issues as the energy retail laws also before us at this time. I think it is a sad state of affairs when our peak advocacy bodies are not in a position to be able to provide full advice for the members of this house to ensure that we have the best debate we possibly could.

I will refer to the Doctors for the Environment submission, which raised many concerns and also the idea of health impact assessments as possibly a way forward. The Doctors for the Environment submission said:

> If the South Australian Public Health Bill is to directly address threats to public health that are now recognised by the World Health Organisation and the health profession more generally, the Rann government will need to lead South Australia beyond the horizon of the legislation in other states and territories. The bill must empower us to address problems which have the potential to impact significantly on public health but fall outside the traditional definitions, for example, the effects of global environmental change and its many components, including climate change.

I was assured in the briefing on this bill that, in fact, this new framework will, indeed, allow us to address climate change as a public health priority, and I look forward to seeing that eventuate, but I seek assurances from the government that, indeed, climate change will be addressed as a public health priority within this new framework.

I also note that in this state we have adopted a Health in All Policies approach and, while I understand that does in some ways address the concepts and benefits that a health impact assessment could bring to our public health debates in this state, I would seek from the government some clarification as to whether health impact assessments were considered in the development of this bill and, if they were, why they were not included in the final content.

I also briefly refer to an amendment that I will move when this bill goes into committee. It relates to an issue that has occupied the minds of jurists and human rights experts for at least the past four decades (and I note that that is my entire life), that is, the right of citizens to a healthy environment. The call for the inclusion of such a right into both domestic and international law can, in fact, be traced back to the United Nations Stockholm Declaration on the Human Environment in 1972 (and, yes, I am older than that). This was a call repeated at the Rio Conference on Environment and Development in 1992.

The right to a healthy environment is now incorporated into dozens of international treaties and many countries have elevated this right to the highest level by incorporating it, in fact, into not only their acts but also their constitutions. These countries include South Africa and South Korea,

and our neighbour and one of the newest nations on this planet, East Timor (Timor Leste). Other countries have the right incorporated into domestic legislation (such as Indonesia and Mexico).

As members would know, international treaties that Australia has signed are not actually worth the paper they are signed on in South Australia. We are the only state to have a special act of parliament undermining the worth of treaties in our executive decision-making. This is a shame, and I know my honourable colleague Mr Parnell has attempted to rectify this in the past, and I am sure the Greens will continue to work on this issue. The Greens also believe that it is time as a state that we showed we are serious about public and environmental health and we incorporated a right to a healthy environment into this bill.

Finally, if members want to see examples of the benefits that such a legislated right can have on a society, they should look at the achievements of Mr M.C. Mehta, the famous Indian environmental advocate and lawyer, who was a guest of our state at the Festival of Ideas just a few years ago in 2009. His championing of the right to a healthy environment has seen some of the most important advances in public health in India, ranging from cleaning up the Ganges to the relocation of noxious industry away from residential areas.

As government members would be aware, the Festival of Ideas, along with the Thinker in Residence Program—which saw Ilona Kickbusch come out and the health in all policies ideas take root—are personal favourites of our Premier. The Greens believe that, when some of the best thinkers in the world come to our state, perhaps we should pay attention to what they say. I wonder what they would say about issues such as the lead levels in Port Pirie and a lack of commitment from the government to continue the tenby10 program, which has now been rebadged as Ten for them, and I hope that is more than a single page on a website and that we will see reporting back to this chamber and in the other place on a regular basis about the lead levels affecting particularly children in that region.

I also hope we will see health impact taken more seriously, along with environmental impact, and that we will not see situations such as Newport Quays in the future. With that, I wholeheartedly look forward to the committee stage of the bill.

Debate adjourned on motion of Hon. J.M. Lee.

NATIONAL ENERGY RETAIL LAW (SOUTH AUSTRALIA) BILL

Adjourned debate on second reading.

(Continued from 10 November 2010.)

The Hon. M. PARNELL (16:07): I rise on behalf of the Greens to speak to this bill. I will also include my remarks on the companion miscellaneous amendment legislation, the statutes amendment bill. I will make one contribution in relation to both. This bill implements the Australian energy market agreement, in which COAG states agreed to, amongst other things, implementing a national framework for energy access and a national framework for the distribution and retail services. They agreed to pass nationally consistent legislation and to take reasonable steps to repeal or amend inconsistent state legislation. The COAG states also agreed to phase out the exercise of electricity price regulation, provided that effective retail competition can be demonstrated.

At a time when prices are rising rapidly, and that causes increasing levels of financial difficulty for consumers, some of our most important welfare and consumer groups are concerned that these national laws may weaken protection for some consumers. The cost of essentials such as food, health and utilities are rising at a rate significantly above the CPI. When we combine that with recent negative changes in the labour market, we see a disproportional cost and income pressures on those who are on fixed and low incomes. In other words, they are being squeezed from all sides.

We have seen legislation such as this many times in South Australia and it is almost formulaic when members from other than the government side stand up, talk about the bills, their shortcomings and propose amendments and we are told that we cannot do that, that this is national legislation and that we will mess up the whole scheme if we try to make changes.

I do not propose to spend a long time talking about our role as legislators in an era of national cooperation, but I will make a few points in relation to these bills which show that they are not going to be uniform in the true sense of the word and that we need not be afraid of making changes that look after South Australian consumers. South Australia is the lead jurisdiction on

these bills, as it is on other reforms to the energy laws. The next cab off the rank will be Victoria once South Australia has passed these bills.

My understanding is that just before Christmas, on 10 December last year, the relevant state and territory ministers agreed that they would work towards a commencement date of 1 July 2012. Whilst not precluding an earlier adoption, that date appears the most likely time frame, which means that we do have time to get this right, not just in South Australia but around the country.

Due to the scale and complexity of these laws the national framework was split into two packages: the economic regulation of distribution services and retail market regulation. The economic package was completed with amendments to the National Electricity Law and Rules on 1 January 2008, and the new National Gas Law and Rules came in on 1 July 2008.

The final part of this national framework is known as the National Energy Customer Framework, and that is the suite of measures that regulate the relationship between retailers and consumers. It will be implemented through a package of laws, rules and regulations.

The rationale for uniform regulation is to cut red tape and to cut the costs for retailers who are operating across state borders. The idea is that by encouraging retailers to move beyond individual state borders and operate nationally it will increase retail competition and decrease prices. Whether that turns out to be the case is very much up for debate.

I will say that it is a myth that these laws must be exactly the same in every state. In fact, we know already that they will not be the same in every state for a number of reasons, including the desire of states not to water down their existing consumer protection measures. In the same way that South Australia would not water down its container deposit legislation because we are proud of it even though other states have not seen the light, similarly, other states feel strongly about their consumer protection regime in the energy field, and they are not going to water those down.

For example, Victoria currently has one of the strongest electricity consumer protection regimes in Australia. It is also the only state with a fully deregulated market. In the existing scheme there is clearly capacity for jurisdictions to maintain existing arrangements. For example, under the Brumby government then energy minister Peter Batchelor committed to preserving Victoria's Wrongful Disconnection Payment scheme, which is a scheme I will talk about in a bit more detail later. That is a scheme that provides for $250-a-day payments for up to 10 days for customers whose power is wrongly or unlawfully disconnected.

The Labor government wanted to hang on to its financial hardship policies and to continue a ban on late payment fees charged by energy retailers, because these were not included in the national framework. That was the previous Labor government in Victoria. The current Liberal government appears to be singing from the same song sheet. If members had the opportunity to look at the *Herald Sun* from a couple of weeks ago they would have seen an article on 31 January stating:

> The Baillieu Government is on a collision course with Canberra over plans for new energy retail laws. Victoria is refusing to back down over federal regulations to give energy companies greater strength in the market. Energy Minister Michael O'Brien said consumers must be put first. The National Energy Retail Law threatens to abolish Victorian consumers' right to claim $250 a day for 10 days if they are wrongly disconnected. It also allows energy companies to hit households with late payment fees. But the state government is refusing to sign a deal unless consumers come first.

The quote from Mr O'Brien is, 'It is vital to protect Victorian households,' and he also said, 'We will only sign up if it doesn't compromise Victorian consumers'. The article continues:

> He said Victorian regulations already have strong consumer protection and are 'streets ahead' of other states.

So, we know that states are moving to incorporate their own special provisions, and by definition that means these laws will not be uniform. That means that we have the ability in this state to make the changes that we think are necessary. I will come back to the particular issues raised in Victoria because they are issues that I think we need to address here in South Australia.

Examples of states that we know will depart from this national energy customer framework include Victoria, as I have just mentioned. One of the other things they will have to do is regulate smart meters because there is nothing about smart meters in the national energy customer framework, the law, the rules or the regulations. Victoria will be relying on its Essential Services

Commission to make sure that its existing regulations can be reviewed and continued because that is a path that state has gone down and it does not yet know whether other states will follow suit.

Elsewhere, the rules themselves set out where states can depart. For example, there are a number of elements listed which jurisdictions can opt into at their discretion. Some issues require a nomination to be made on the part of a jurisdiction or minister. These issues include parties authorised to sell electricity, parties authorised to supply electricity and prepayment meter systems, which we have in South Australia but they do not have elsewhere. The small compensation claims regime is a matter that has occupied a fair bit of our time over the years. We hear about people's freezers full of melting prawns as the power is cut off, and there is a range of other things as well.

We know, for example, that in South Australia we will derogate from the national laws in relation to retaining our existing electricity consumption threshold of 160 megawatt hours per year and that we will not be adopting the upper consumption threshold in the national scheme. Queensland is also going to try to retain some protection for its small business customers, and again that will be a derogation from the national scheme. New South Wales will do the same thing.

They are also proposing in New South Wales to continue their current arrangements which allow distributors to contractually limit the liability to customers for failure to supply due to negligence. So, that is similar to our system here with the compensation payable for power disconnection that affects households, particularly in relation to food spoilage.

What members should take from this is that, while the jurisdictions are moving closer together, it will still not be an entirely uniform scheme; in fact, it could be many, many years, if ever, before such a thing occurs. That is why we need not be afraid of putting in place in our legislation, for other states to consider, consumer protection measures that have been left out of the current arrangements.

At this stage, I will quickly put on the record my thanks to the assistance provided to me by various members of the National Consumers Roundtable on Energy, in particular, our own South Australian peak welfare body and member of that round table, SACOSS. I note that SACOSS and many other consumer, environmental and welfare groups have engaged in the debate on this national legislation for many years.

The consultation process included two exposure drafts for the actual legislation and also the related legal and policy instruments. It is fair to say that some good changes have been made as part of that process, but there are a small number of outstanding issues that the Greens believe should be addressed in this legislation because we want to ensure that the legislation both retains and strengthens existing protections, especially for disadvantaged and low income consumers of energy.

There are three issues that I will address when we get to the committee stage: first, to legislate for a ban on late payment fees; secondly, to enshrine the prohibition against disconnection of electricity during heatwaves and other extreme weather events; and, thirdly, to introduce a regime of compensation for wrongful disconnection.

I flagged all these issues with government officers at the briefing that they provided to me last week, and I offer my thanks to the government officers involved and also especially to Mr Vince Duffy, the executive director of the Energy Division of the Department for Transport, Energy and Infrastructure for promptly getting back to me with the government's response to the proposed amendments that I flagged.

I analysed the government's response. I consulted further with SACOSS, and it is probably fair to say that they were not convinced and I am not convinced that the government's reason for objecting to these amendments stands up to scrutiny; therefore, I will be moving amendments on these three issues. Let me just touch on them briefly.

First of all, in relation to the ban on late payment fees, the bill effectively allows retailers to charge uncapped fees for the late payment of electricity and gas bills and that is just not fair. This was raised, as I have said, by consumer and welfare groups around Australia. It was also raised by the Energy and Water Ombudsman from Victoria, where late payment fees are already banned under their standard retail contracts. Late payment fees are allowed in New South Wales and in South Australia, and my understanding is that, in South Australia, AGL routinely charges $14 for late payment on electricity bills. My amendment bans the charging of additional fees for the late payment of accounts.

The ultimate sanction, of course, for people who do not pay their bills—especially their energy bills—is that they are disconnected, and that ultimate sanction, together with the reconnection fees, which I am not proposing to amend, should provide sufficient penalty without charging extra fees for the late payment of accounts. I am not convinced by the government response that proposed rule 73 of the National Energy Retail Rules specifically requires retailers to waive such fees with customers who are identified as hardship customers.

Such an identification, whilst it can be a self-identification, is not guaranteed and it is especially not guaranteed the first time a customer fails to pay his or her bill on time. I am aware that the government believes that there is a risk that a complete prohibition on charging late payment fees may act as a disincentive to the on-time payment of bills for non-hardship customers.

The Hon. R.I. Lucas: Too right! It's interest free.

The Hon. M. PARNELL: The Hon. Rob Lucas is outing himself as a person who does not pay his bills on time. I believe he pays his gambling debts, but perhaps not his other bills on time. I think in any society the vast majority of people will pay their bills on time, but of course there will be some who leave it until the last minute even though they may have the capacity to pay on time.

I think playing Russian roulette with disconnection is fraught with danger, and no doubt some people will end up being disconnected and they will end up paying the extra costs associated with reconnection. On balance, I think the energy retailers will be able to carry that small proportion of people who can pay on time but do not. The alternative is to potentially increase the rate of disconnections where people are suffering economic hardship.

I point out that it is no different from the approach that we take in law to other essential services such as housing. If you do not pay your rent, then you can be evicted. There is a Residential Tenancies Tribunal approach, but your landlord does not charge you an extra penalty on top of the rent that you have not paid because, for people in genuine hardship, that just compounds their difficulty and makes it even less likely that they will catch up and get on top of their bills. I do not think that banning late payment fees will have a significant impact on our retailers.

The second issue that needs to be addressed in this bill, and is not addressed to my satisfaction, is the issue of disconnection of electricity during heatwaves. Members may be aware that it is current practice in South Australia not to disconnect electricity consumers during heatwaves, and I understand also that this provision is to be incorporated into the rules—in rule 116, to be precise. However, I think it belongs in the act. It is a provision that in South Australia will focus on heatwaves; in other places it could be extreme cold weather, for example, in Tasmania.

I note that SACOSS believes that, if provisions in South Australia for no disconnections during heatwaves are inserted into this bill rather than the rules, it would ensure maximum protection and certainty for vulnerable customers. The predicted increased prevalence of extreme weather events in South Australia and nationally warrants the enshrining of protections in the model legislation. Just as we were discussing earlier in relation to the public health bill, climate change will have implications across many portfolios, not the least of which is the energy portfolio. The government's response is that it does not need to be in the act. I disagree.

The final issue on which I think this bill needs to be amended is in relation to the wrongful disconnection arrangements. In Victoria, as I said, it is a condition of electricity licences that the retailer must pay the customer $250 per day for up to 10 days for wrongful disconnection, without the customer having to establish particular loss. Wrongful disconnection payments are also provided under the Victorian Gas Industry Act. The Victorian Essential Services Commissioner's January 2010 Inquiry into Wrongful Disconnection stated that the principal intent of the payment was to place an additional incentive on retailers to guard against disconnecting relevant customers who are willing but do not have the immediate capacity to pay their energy bills.

In Victoria, the Energy Retail Code outlines the terms and conditions required in an electricity contract or any contract for the sale or supply of energy and states that it must include the steps that must be taken before disconnection. Those steps include: assessing the client's capacity to pay; offering the client payment assistance and providing the client with information about concessions that they might not be aware of; and providing other assistance, whether it is by telephone or in person, about energy efficiency and the availability of financial counselling. In other words, there are some steps that the energy companies need to take before they move to disconnection.

The bill that is before us and the national energy customer framework that it implements does not include any express provision for wrongful disconnection payments. The amendment that I will be moving will remedy that by introducing the Victorian regime into the national law. I will point out in passing that under the bill there is currently no prohibition against charging a reconnection fee when someone has been unlawfully disconnected, so there is a double whammy there. The government response is that it was carefully considered but it just does not like it, and it believes that it does not belong in this national framework. I beg to differ. Victorian Liberals and Victorian Labor beg to differ as well, and no doubt people in other states as well.

While it was decided that this regime was not suitable for the national framework, the alternative is that states be left to their own devices and retain their own local regimes through their own legal instruments such as the Victorians may do. I note that the South Australian ombudsman scheme, which is capable of hearing wrongful disconnection matters is to continue, but I think that we need the added discipline of incorporating this into legislation. I make the point that, if your power is cut off accidentally through negligence, you can recover the cost of the lost food in your refrigerator but if they deliberately cut you off and they do it unlawfully you do not get anything. How on earth does that make sense?

With those remarks I remind members that when these amendments come up, do not be fooled into thinking that you are not allowed to consider them because it is national legislation. They are sensible amendments. They are being considered in other jurisdictions as well, and I would urge honourable members to give these amendments their support. I look forward to the committee stage of the debate.

The Hon. D.G.E. HOOD (16:29): I rise to indicate Family First's view regarding this bill; indeed, both bills that we will be examining over the next week or so. It is important for me to put on the record our concern for families facing recent and projected electricity price hikes. We have seen substantial rises in the price of electricity over quite a considerable period, which I will go into some detail on in a moment. I think it is fair to say that low to middle income people are really feeling the bite on that particular issue, as well as with water prices.

In June 2006, COAG amended the Australian Energy Market Agreement to provide for a national framework for energy access, part of which is the so-called 'customer framework', and the national framework for distribution and retail services as well. This bill is a crucial element of the customer framework and a final piece of the national scheme in total, and South Australia, as the Hon. Mark Parnell has just said, is the lead legislator. The customer framework provides a number of benefits for South Australian consumers, and those benefits have Family First's support; indeed, I am sure the support of all members in this place.

For example, the framework complements other general consumer protection laws, such as the Australian Consumer Law and privacy legislation. Consumers will also be able to access an energy ombudsman scheme, which we support, which will be able to resolve many complaints in a relatively straightforward manner. The government promises that there will be a 'particular benefit' to vulnerable consumers who are under financial hardship. A retailer of last resort provision is also included and works to protect consumers in the worst scenarios. There will be a greater consistency of consumer rights across all participating jurisdictions, and they are: South Australia, Victoria, New South Wales, the ACT, Tasmania, Queensland and the commonwealth.

It is interesting to note—as I guess the Hon. Mr Parnell was alluding to, if he did not say so specifically—that the Northern Territory and Western Australia will not be part of this scheme, or certainly not at this stage. As I have mentioned, Victoria will be part of the scheme, but we cannot deem that to be certain at this stage because I note that some days ago the Victorian energy minister, coincidentally also named Michael O'Brien, said that Victoria may not sign up to this scheme after all—this is just in the last few days. The threat, from his perspective, is that for Victoria the protections envisaged by this bill may actually be a retrograde step for that state.

This scheme apparently threatens to abolish Victorian consumers' right to claim $250 a day for 10 days if they are wrongly disconnected, as the Hon. Mr Parnell has just outlined, and allows energy companies to hit households with late payment fees. Those concerns were noted in the *Herald Sun* on 30 January of this year. I ask a question on notice of the government, whether those concerns may also be valid concerns for South Australian consumers, although I understand that energy retailers can already hit our users with late payment fees.

I also ask what the implications are for the scheme if Victoria does not participate, given that Western Australia and possibly, as I indicated, at least one of the territories may not as well.

Certainly, as Victoria is one of the lowest cost producers of electricity on the national grid at the moment due to their predominant coal-fired power plant capacity, Victoria's participation (or lack thereof) will be very important, I think, in the effectiveness of this national legislation. It may well be, therefore, that we may have to come back and deal with a reworked bill in some form in the coming months to ensure Victoria's participation, or indeed perhaps the other jurisdictions.

This bill primarily seeks to achieve a national regulatory regime for retailers and distributors selling and supplying energy to consumers. The customer framework will be regulated and enforced nationally by the Australian Energy Regulator, with one set of laws operating throughout the participating states. This will, of course, as the government states, streamline regulatory requirements and increase efficiency through regulatory harmonisation. It is expected, as a result, to increase retail competition by reducing barriers to entry into the South Australian and other markets.

Family First, as I would hope members would agree, is a party dedicated to less red tape and less waste, and were are therefore attracted to those provisions. No doubt we will see more companies offering services here, with the increase in competition and lowering of comparative costs that will result from it. The national energy retail objective is:

> ...to promote efficient investment in, and efficient operation and use of, energy services for the long term interests of consumers of energy with respect to price, quality, safety, reliability and security of supply of energy.

I am quoting directly from their own documents. Family First is supportive of those objectives, as, I would imagine, are other members of this place.

South Australia will not immediately transition to the national scheme upon the passage of this bill. We are told that consequential amendments to the current South Australian energy legislative instruments resulting from the application of this bill will be prepared and presented to parliament at a later time, and that price regulation in South Australia will be maintained post implementation of this national framework for the near future anyway.

A further question I put on notice for the government is the obvious one, and that is, what precise time frame is intended for South Australia to maintain its current price regulation, as the second reading explanation given by the minister previously does not make that clear?

The cost element is of keen important to South Australian families, and I highlighted our party's concern regarding energy pricing at the beginning of my contribution, and I make that point. I think electricity prices are becoming a major concern for people on low and middle incomes and, indeed, across the business sector as well. My concern is this: in 2002, following the state election campaign—in fact, I think it was the very next day—the former treasurer, the Hon. Kevin Foley, said, 'If you want cheap electricity prices, then vote for a Mike Rann Labor government.' Well, unfortunately, we have not seen cheaper electricity prices during that period; in fact, they have escalated quite substantially.

Throughout most of the 1990s, South Australia had the cheapest electricity prices in Australia, save and except for prices in Brisbane, which were far below the national average during that period. In 2002, we had a tremendous spike in power prices, which caused us to become the single most expensive state in which to buy power by some significant margin. From 2002 until now, we generally have had the most expensive power nationwide, and that is something we should not be proud of at all.

In recent times, there has been some slightly good news, although it depends on how you look at it, I guess, in that power prices in South Australia have been overtaken by Sydney and Hobart. It is arguable, though, that our prices have risen at a certain rate; their rate has just risen even faster in recent times. In any case, we remain at the top of the list for the most expensive power in the nation, and that will only be compounded by the announcement of a further 12 per cent increase in standard contract prices for electricity, which is now coming into effect.

Industry estimates are that electricity and gas prices will double over the next five to seven years, adding at least $2,000 to the average household annual bill, and that is of great concern to us, as I am sure it is to all members in this place. We will see people who have limited incomes decide not to turn on their air-conditioner, heater or electric blanket, whatever it may be, because of the associated costs. I think that it is absolutely tragic that, in a First World democracy, we have to subject people to making those sorts of decisions.

Electricity prices in South Australia are already very high compared with prices paid overseas. To be fair, that is not just true in South Australia; obviously, it is true across the nation.

We are already paying almost double the price paid by the average US city for our electricity, and that is not a good thing at all for South Australian families or, indeed, for anyone else, such as small businesses or, really, almost any power user. On top of the energy price rises, water prices have shot up by some 32 per cent, and that is on top of water prices already trebling since 2002.

These price rises in vital utilities are a real contributor to household financial stress. When it comes to energy prices, there are several indicators that paint a very concerning picture. I might add that energy prices have increased very substantially, as I have outlined, but so has water. Household mortgages are higher than ever and so is the apparent stress associated with that. These are very, very significant issues for working people.

The number of residential customers on payment instalment plans for gas, for instance, has increased from 3,801 customers in 2005-06 to 10,407 in 2009-10. This is a tremendous increase in the number of people simply unable to pay their bills. The number of residential disconnections for nonpayment by customers previously on instalment plans for electricity has increased from some 271 to 1,927 over the period I have just quoted. In that same period again, the number of concession recipients (which would include aged pensioners) who have had their electricity cut off for nonpayment has increased from 350 to 568. These are very real problems affecting real, everyday people.

So Family First calls on the government to do everything it possibly can to keep energy prices under control, because those statistics are worrying. I am sure they are worrying to the government as well as to all other members of this place.

South Australia faces some tremendous challenges in regard to our future energy supply. Coal-fired power plants are by far the cheapest to run with respect to electricity production and are one of the reasons why Victoria has been able to offer cheap power on the interconnector for many years now. Gas is almost double the price, which is what we mostly have and are now importing from Queensland coal seams and from Victoria through the SEA Gas line. Our own production of gas at Moomba is limited and will not go on forever. In fact, I have heard reports that it is severely limited, and it is a pity that we are now so reliant on interstate resources.

We seem to be determined to go down the path of phasing out coal and gambling on carbon capture and storage technology as a primary means of meeting our international targets. I point out that the International Energy Agency has now said that if this high risk gamble does not pay off (as carbon capture technology is both unproven and expensive), it will be, in its own words, 'very difficult' for Australia to meet its 2050 emissions target. Nobuo Tanaka, the IEA Executive Director, said in Canberra very recently:

> If CCS is not readily available and if you don't use nuclear, totally renewable energy is very, very expensive, and also it is fragile in terms of its productivity...So it's very costly if CCS doesn't work out.

Mr Tanaka, by the way, said it was up to Australia whether it should go nuclear, but that, and again I quote directly from him, 'nuclear power should be on the table for the global community'. I agree we should leave that door open. Why are we ruling out a genuinely productive way of producing emission-free electricity? We are happy to export uranium but we are not happy to use it here in this state. I see a dramatic contradiction there, and I think it is an opportunity that we should at least be exploring.

A recent report prepared by Australian researchers for the journal *Energy* has also backed the nuclear option, identifying nuclear power as the cheapest technology to use if we are determined to meet our so-called greenhouse gas emissions target. Let us look at it this way. At some stage we will not be able to fuel our own power plant with South Australian gas. Moomba cannot compete with cheap interstate coal seam gas. We will be reliant on Victorian natural gas through the SEA Gas line, and Epic Energy, which owns the Moomba-Adelaide pipeline, is linking with Queensland's coal seam fields. So, again, we are setting up South Australia to be beholden to other states in matters of energy. We have already seen the very difficult situation that our state has faced historically with River Murray water.

I think it is fair to say that the Premier can be rightly congratulated on the large number of solar and wind power generators he has built during his term.

An honourable member interjecting:

The Hon. D.G.E. HOOD: Well, he has authorised the building of them. If South Australia was a country by itself, we would be second only to Denmark in the amount of energy produced by solar and wind. But these can never provide base load power. They are useful to some degree but

they cannot provide base load power. Solar is fine until we have no sun or we have a cold stretch or cloudy periods, or whatever it may be; and wind is fine, of course, while the wind is blowing (although some concerns regarding wind generation can be addressed by dispersal of the turbines, and there have been some improvements in that technology).

Nevertheless, other than coal, South Australia has only two serious options for future base load power at the moment—geothermal power from digging up hot rocks under the ground, and nuclear power. In both geothermal and nuclear capacity, South Australia is perhaps the single luckiest place on earth. South Australia has been called 'Australia's hot rock heaven', being littered with promising areas that could see South Australia become the geothermal power hub for the whole of the country.

South Australia has a large heat anomaly that extends from the Cooper Basin down through the centre of the state. Two deep wells are sunk into the anomaly, with the water being pumped into one, causing vast amounts of steam to be ejected from the other (the second well, if you like), which turns a turbine to create the power. So far, 23 companies have applied for more than 236 geothermal exploration licences covering about 110,000 square kilometres in South Australia. It is clean and it is cheap, and South Australia has the best geothermal potential in Australia, indeed, one of the best in the world.

The only issue (the department told me in a briefing they gave Family First) is that we are looking at 20 years or more before consumers see energy from that source coming on tap. In my experience, when 20-year predictions are made it usually turns into a lot more than that. My view is that if we can verify the safety of nuclear power becoming available, we should not be closed-minded to tapping our vast reserves of nuclear fuel in this state.

We are certainly happy to export nuclear fuel, and it sends a poor message if we are unwilling to even consider using that fuel ourselves. New generations of completely safe reactors—even reactors that use nuclear waste as fuel—are already available and are worth an open-minded consideration. There was a recent discussion about this new generation of nuclear power plants, which will actually run on nuclear waste, coming online in China. I think this is very interesting technology indeed.

Just to be clear, I am not saying that we should go like a bull at a gate down the nuclear path or that that is the only option available to us; what I am saying is that we should have an open mind in considering it as a genuine option for the power needs in this state and, indeed, in this country. It is emission free and, from overseas experience, very safe and very cheap. The United States—which, of course, uses nuclear power—has electricity costs roughly half of those here in Australia.

Despite the obvious concerns surrounding some forms of nuclear power, it is ironic that some people argue against a completely safe and clean nuclear reactor for South Australia. The alternative is to pump millions of tonnes of carbon dioxide (which many people are very concerned about) into the atmosphere, and then ending up begging the other states for the fuel we need, as we are forced to beg them for the water we need when it comes to negotiations on the Murray.

To reiterate, my point is that we need to keep an open mind regarding all forms of power generation. South Australia will certainly be facing a crunch in power generation in 10 years or so, and will need to substantially upgrade the Northern and Playford coal-fired plants. All the options need to be on the table, including nuclear.

As for this particular bill, there are clearly some elements that will be of benefit to consumers. Certainly, Family First supports less waste and the reduction of red tape, which this bill seeks to achieve, as well as the implementation of a national customer framework. We think all those things are good; however, I still have not received much in the way of submissions from groups such as SACOSS. I notice from the Hon. Mr Parnell's contribution that he has had extensive dialogue with SACOSS, but it certainly has not been active in lobbying us at this stage. Perhaps it will, but we want to speak to it and other groups like it in order to get their feelings on the bill before we commit one way or another.

I believe this is a very interesting debate. As the Hon. Mr Parnell said, we can get into the habit of simply waving through national legislation because it is purported to be national legislation. Given that we are the lead legislator on this bill, I think that puts us in the particular situation to make changes if we feel it necessary. However, I also feel that the integrity, if you like, of this legislation is somewhat questionable in light of the fact that Western Australia has declared that it will not take part, that in recent days Victoria has said it may not take part, and that at least

one of the territories has indicated that it will probably not participate either. How that is regarded as national legislation is, I guess, open for debate, but it is hard to see it as genuine national legislation.

I look forward to this debate very much, because I think these are crucial issues for South Australian families and businesses. Power is part of our life. We all need it; we use it every day. We have got to a situation where it has become very expensive for most people, very expensive for businesses. Small businesses are always complaining (and I think rightly so) about the significant rise in power prices. I think it is incumbent upon us in this chamber, and indeed those in the other place, to make sure we get this right. These are very important issues for everyday South Australians.

The Hon. K.L. VINCENT (16:48): I suppose it goes without saying that gas and electricity are necessities in today's society; definitely essential services. We rely on electricity not only to provide creature comforts, such as televisions and X-boxes, in our homes but also to provide heating, air conditioning and refrigeration. I suppose it is fair to say that for most of us air conditioning is a bit of both, a necessity and a luxury, however, for people who experience medically-based heat intolerance (which I will touch on a bit later in this speech) the line between that luxury and that necessity is much more blurred.

Just last week I attended the launch of MS Australia's 'Keeping Cool SA' campaign, which highlights the importance of air conditioners for people with heat intolerance issues. For those in this place who are unaware of it, I should let them know that the vast majority of people with MS—and, indeed, people with other conditions such as Parkinson's disease—experience medically-based heat intolerance, meaning that the symptoms of their disability or medical condition are greatly exacerbated by hot weather.

Due to this, during the hotter months of the year the average household in which a person with MS, in particular, lives must leave their air conditioning on roughly seven times longer than the average household without a person with MS. This results in expensive electricity bills, which can be difficult to manage, particularly for those whose source of income is the Disability Support Pension (DSP) alone, and the concessions that are available to pensioners prove insignificant in the face of large power bills. To that end I suppose it is self-evident that I will support the amendments proposed by the Hon. Mr Parnell.

It is important to note also that research undertaken by MS Australia indicates that even people with MS who are on very low incomes do leave their air conditioners on just as much as those with higher incomes, so that goes to show that this is not a choice but an essential service for these people. Of course, it is also important to note that there are people whose disabilities and medical conditions make them intolerant to the cold weather. However, these things are achieved one step at a time, so to speak. I am not saying that these people's issues are any less important but, given the current and recent hot weather we are experiencing, medical cooling is—pardon the pun—a hot topic.

The aim of the Keeping Cool SA campaign is obviously to achieve energy concessions for people who experience medically-based heat intolerance. It is certainly a shame that South Australia stands with Tasmania as the only states in Australia who do not yet offer energy concessions to people with heat-intolerant issues, which is unbelievable considering that MS Australia has estimated that it would only cost the government approximately $100,000 in the next financial year to offer such concessions.

I sent a letter the other day to the government asking it to consider the provision of such concessions. Of course, I have not yet received a response, but I am nonetheless hopeful that this government will see the light and offer concessions to people who suffer from heat intolerance. It is essential and it is inexpensive, so it is a win-win situation for both the government and the people of South Australia. This is above all an opportunity—an opportunity that regularly presents itself but is rarely taken up—for the government to demonstrate some good sense.

The Hon. D.W. RIDGWAY (Leader of the Opposition) (16:53): I rise on behalf of the opposition to offer some comments in relation to items Nos 3 and 4 on the *Notice Paper*, being the National Energy Retail Law bills, Nos 63 and 64. Some time ago I was shadow minister for energy, and at that time we debated a suite of bills to implement COAG's agreement to establish a single industry-funded national energy market operator, to be called the national energy market operator for both electricity and gas. The two bills were part of ongoing national energy market reforms, and

these two bills are part of the ongoing national energy market reforms and are the customer framework of the new national energy market.

By way of a brief historical explanation—and better to highlight the Liberal Party's influence on getting this national energy market into effect—the National Electricity (South Australia) Bill was introduced in May 1996 by the Hon. John Olsen, and it made provisions for the operation of a national electricity market. However, the reform of the Australian electricity industry was underway earlier, with special premiers' conferences in the early 1990s. What came from this was the national grid management council and a paper in 1993, which made a number of recommendations. As members can see, things move slowly at this level, given that it is nearly 20 years since this first started.

COAG agreed to the recommendations in 1994, and about two years later ministers from New South Wales, Victoria, Queensland, South Australia and the ACT agreed to give effect to the recommendations. Those recommendations were for regulatory agreements for the national electricity grid, namely, to create a uniform national electricity law and an accompanying code. The law was to be enabled by the application of legislation in each jurisdiction. South Australia vigorously pursued and won the role of lead legislator. South Australia remains the lead legislator on the National Electricity Act and, as such, the bill that is before us today will be enacted through the other jurisdictions in the same manner.

At that time, the transmission networks of New South Wales, Victoria, South Australia and the ACT were interconnected. Since that time, Queensland and Tasmania have joined the network. Western Australia and the Northern Territory will probably never participate in the national market because of the significant distances, and I suspect, significant energy losses in trying to transmit electricity across such vast distances. I think there are some federal members of parliament who think that DC electricity can be transmitted across those vast distances and maybe we may see those states participate at some point in the future, but it is certainly not envisaged that they will at this stage.

In April 2007, COAG agreed to establish a single industry funded national energy market operator, to be called the Australian Energy Market Operator, for both electricity and gas. These bills are the bills that I dealt with in 2009 as the shadow minister for energy. As members would know, we were disappointed with how these significant bills have been dealt with in parliament and by the minister. He argues that several drafts of discussion papers preceded the legislation we see.

The opposition has witnessed several times the arrogance of this government and its consultation process. It has been the case many times that the concerns of industry stakeholders on draft pieces of legislation have not been reflected in the final document. It has therefore been the general (and I would argue the sensible) convention from the opposition that, to a large degree, our consultation is done once the government has committed to a final piece of legislation.

As my colleague Mr Mitch Williams, the member for MacKillop, has stated in another place, we take our role as legislators very seriously. We do not ever assume the satisfaction of industry, or the community, in the progression of draft legislation until we see the final form, especially with this government. Furthermore, as all members are aware, this legislation was initiated by COAG and the Ministerial Council on Energy.

Given the significant changes in state governments in the last 12 months—and, of course, we may also see changes in New South Wales in the very near future—I have seen it necessary to contact the interstate governments just to get their views on this particular legislation. I have also taken the liberty of contacting some other key players in the retail and distribution markets and I am awaiting detailed responses from them.

There are stakeholders who would like to see some protections for consumers improve beyond what these bills achieved. For example—and I think other members have already mentioned this—is it appropriate or necessary to undertake electricity disconnections during prolonged periods of extreme heat? The South Australian code prohibits disconnections for small customers for non-payment during those periods and I question whether these conditions should not be replicated in the new legislation.

At this point, I would like to point out a few interesting statistics. There are 25 per cent of South Australian customers who struggle to pay their power bills on time and this is quickly moving to about 30 per cent. A significant survey showed that the lowest income customers give priority to their electricity bills. Late payment fees are not a good prompt for these people as it only compounds their inability to pay. So, should late payment fees be banned? I am also informed of

statistics that, for the average income earner, 25 per cent of their income is spent on essential services and 30 per cent on rent or mortgage. This is another reason why there are significant desires for increased consumer protection.

Another issue raised was that there should be a straightforward payment for wrongful disconnections. Currently the Ombudsman can fine the retailer for wrongful disconnection. Should it be legislated that a person receives compensation for wrongful disconnection? As far as I am aware, there is nothing in here for those residential customers. It is said that Victoria currently has the most competitive energy market in Australia, and arguably, the world. It is testament to the fact that providing customer protection and allowing people to enter the market with a guaranteed level of security only creates a successful market.

I have some general comments on this particular bill at this stage. The movement to a national market is obviously a positive thing. The ongoing separate regulation of individual state and territory markets only duplicates the process and, I am sure, increases the compliance costs. Separate operating licences discourage retailers from operating across state borders and, in turn, inhibits competition. As energy prices rise, and this essential service becomes more difficult to access, the opposition will obviously support, generally speaking, any moves to boost consumer protection and increase market competition.

Another significant facet of the bill is the national Retailer of Last Resort scheme. The substitution of a backup electricity or gas retailer, if a customer's current retailer fails, would appear to be a sensible move. Ensuring continued energy supply appears to be an added security for the market. We have not yet heard significant concerns on this.

I note that each jurisdiction's application of the act may modify the application of various provisions within the customer framework for that jurisdiction. In fact, parts of this customer framework rely on the state's own energy legislation for full effect. This national legislation is supposedly designed to work in parallel with state-based legislation.

It is interesting to note that one significant stakeholder has raised concerns about the implementation issues for energy retailers. Retailers' systems and processes need to be created and updated prior to the introduction of the National Electricity Customer Framework. Energy retailers estimate that they will need at least 12 months' notice of the start of this legislation in order to prepare.

For that reason, this stakeholder is concerned about the staggered start dates for the following reasons: first, the efficiency improvements from the national consistency will be delayed until the last jurisdiction implements the framework; secondly, business processes will have to change several times; thirdly, additional administration and compliance costs of start dates will lead to increased costs which, sadly, will eventually be passed on to consumers; and, fourthly, previous retailer comments were provided in the context of the entire package being completed at the same time.

In summary, what they want is a blanket start date no earlier than the start of the 2012-13 financial year. In light of that, I am interested to know the government's response to the concerns with regard to the implementation of this legislation along with some of the earlier issues that I have raised.

It also appears, from my observations and from responses that I have had from a couple of large energy retailers, that there is some significant consultation still to take place on these matters. I have been a little disappointed that I have not received responses from a couple of the significant energy retailers, but I have come back to them as a matter of urgency because I realise that this has been on the *Notice Paper* since the summer break late last November.

Certainly, I will be endeavouring to get those responses from those retailers over the next few days. I also indicate that the opposition, together with the shadow minister, Mr Mitch Williams (member for MacKillop), is considering some amendments but we want to have some further consultation with these significant retailers. With those few words, I seek leave to conclude my remarks.

Leave granted; debate adjourned.

SUMMARY OFFENCES (WEAPONS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 11 November 2010.)

The Hon. S.G. WADE (17:04): I rise to indicate that the opposition broadly supports this legislation. I intend to speak briefly. Because of the nature of the bill, I think it would assist the council to consider the issues in detail at each stage of the committee, so my comments at this stage will be broad. I will take the opportunity to assist the government by placing on record a number of questions at the second reading stage so that we might continue to progress the bill through the parliament.

Australia has been fortunate to have a relatively low level of violence compared with comparable Western countries, and one of the contributing factors is that we have a relatively low access to weapons. In 1996, under the Howard Liberal government, Australia introduced significant laws to suppress access to firearms in particular. I note that that effort received bipartisan support.

This bill is a continuation of efforts to minimise access to weapons in public places. It was introduced in the House of Assembly on 15 September last year and to this place on 11 November. It was prompted by the murder of Mr Daniel Awak, on 12 November 2008, in Grenfell Street in the city. The person charged with the murder, I understand, is alleged to have purchased the knife immediately before the attack and I understand that that person was a minor. The matter is still being dealt with by the court, so I will comment no further.

The history of weapons in Australian society indicates the need to ensure that we do not just focus on the weapons but that we also address the underlying factors contributing to weapon-related violence. Weapons are tools that are used to express conflict; they do not cause it in and of themselves. We need to do what we can to reduce the level of disputation in our community. This bill focuses on knives as weapons and makes a number of changes to improve the presentation of our laws relating to weapons.

We need to remember that there are a number of alternative weapons out in the community and, in that regard, I will quote an article from *Security Solutions*, which states:

> There has been a great deal of information regarding edged weapons in the media over the past several years. The incidence of people carrying edged weapons is increasing with access to possession as simple as raiding the cutlery drawer at home, making a quick trip to the local hardware store, or using the grey matter to create innovative alternatives from everyday items.
>
> It is naturally presumed that people carry edged weapons with criminal, malicious or mischievous intent. But there is also a 'catch-22' trend emerging, indicating that some people carry edged weapons simply because they realise that others do too, and if they are attacked they do not want to be caught defenceless. With more people in possession of edged weapons, it flows on that the incidence of aggravated assault involving edged weapons is also increasing.

I pause to highlight that it is important that we, as legislators, take very seriously the responsibility we have to take what steps we can to stop that escalation of weapon possession and use in our community. The article continues:

> During a recent security industry firearms instructor forum, Victoria Police presented statistics showing that the most common item used to commit aggravated assault was, in fact, a pen. This innocuous, everyday item can hardly be regulated, yet it is a potentially edged weapon that everyone has access to. This statistic highlights the imposing and very real threat posed by edged weapons in society.

I think that article highlights the risk we take in regulating a weapon because of what I might call the displacement effect. We have seen that in relation to firearms since the initiatives of the Howard Liberal government in the mid-1990s. Data from the Australian Institute of Criminology has found that there has been a pronounced change in the types of weapons used in homicides since monitoring began.

Firearm use has declined by more than half since 1989-90 as a proportion of homicide methods and there has been an upward trend in the use of knives and sharp instruments which, in 2006-07, accounted for nearly half of all homicide victims. In fact, the trend is particularly marked since 1996. Knives and sharp instruments have overtaken firearms as a weapon in homicide. By 2006-07, knives and sharp instruments accounted for 45 per cent of weapon-related homicides and firearms had fallen to less than 15 per cent.

While the decline in the use of firearms is welcome, we also need to be mindful that legislation dealing with knives might well have an impact on the use of other weapons, so we need to be alert to minimise the use of any weapon in whatever form in public places. Of course, knives by their nature provide particular regulatory challenges. Whereas relatively few households carry firearms for normal everyday use (perhaps more so in rural and regional South Australia), it certainly would be true that there would be very few households in South Australia that do not have items that would be defined as knives under this legislation.

To assist further consideration of this bill, I propose to put a set of questions on notice at this stage and hope that the government might be able to provide the answers as soon as possible. I appreciate that may not be possible before the second reading consideration is concluded, but the earlier the answers are able to be provided, the more likely the opposition will be to progress to the committee stage.

Before asking my questions, I thank the government for its assurance that it will provide the draft regulations to this bill before the committee stage. It would certainly assist the opposition to understand how it is intended that this legislation would operate. I am sorry; with all due respect to other members, I am sure it will assist all members to consider how this legislation would operate in practice. So, I thank the government for that commitment and look forward to receiving a copy of the draft regulations.

All of the data I seek is for South Australia only. It is difficult to get South Australian-specific data available from institutions such as the Australian Institute of Criminology, but we are dealing with South Australian law and we would appreciate understanding the incidence of weapon-related crime in South Australia. My questions are:

1. In South Australia, how many charges and offences have involved the use of a knife since 1996?

2. How many of those charges and offences have involved the use of a knife by a minor since 1996?

3. How many of those charges and offences have involved the purchase of a knife by a minor before the charge or offence occurred since 1996?

4. How many charges and offences have involved each age cohort since 1996?

5. I seek information on the possession and use of other weapons, including firearms and other edged weapons, other than knives, in South Australia.

6. In relation to the carrying and possession of weapons, what weapons, other than knives, cannot lawfully be carried or possessed in schools or public places under South Australian law?

7. How broad is a public place in terms of the meaning of the act?

8. What is the scope of lawful excuse within the act? In particular, in terms of parents and guardians transporting a child to a school where the weapon is not needed for a task at the school but is being carried or in their possession for a purpose beyond the school, would that constitute a lawful excuse?

9. Would the presence in a student's lunch box of a fruit knife related to that lunch be a lawful excuse?

10. Would a Stanley knife in the art kit of a student in their locker be a lawful excuse?

11. Does a person need to know that they are carrying or possessing a weapon for the offences under this bill to be established?

I thank the council for the opportunity to put some questions on notice at the second reading stage and look forward to further consideration of this bill in committee.

The Hon. A. BRESSINGTON (17:13): I rise to speak to the Summary Offences (Weapons) Amendment Bill 2010. My comments today will be brief, as I am yet to finalise my intentions relating to amendments that I am considering and, as a result, determine my position overall on this bill. It goes without saying that I am supportive of measures to reduce knife crime. Every violent incident, particularly those involving knives, should be dealt with adequately by the law. More importantly, however, our legislation should seek to prevent such incidents occurring, something that this bill clearly endeavours to do.

In particular, the creation of offences to further restrict the sale of knives to minors and of having possession of a knife in a school or public place, with a separate offence of brandishing that knife in a manner likely to cause others to fear for their personal safety, are indeed welcome advancements in criminal law. However, many provisions of the Summary Offences (Weapons) Amendment Bill cause me concern. Specifically, there are significant incursions into the rights of citizens, including the increased power given to police to search a person without reasonable

grounds and detain them for that purpose, as well as another reversal of the onus of proof, this time for a defendant who has allegedly breached a weapons prohibition order.

While I am supportive of the creation of weapons prohibition orders, I am yet to be convinced that the model proposed is ideal. In particular, I see the Police Commissioner's role in imposing weapons prohibition orders as quasi-judicial and inappropriate for the commissioner to be exercising, and I would be more comfortable with an order being imposed by the judiciary as part of sentencing a defendant who has committed a weapons-related crime. Additionally, as identified in the other place, some of the more onerous requirements of the orders may indeed prove to be unworkable in practice and encourage noncompliance.

I am aware that this bill, or elements of it, was requested by the police. However, just because the police have supposedly asked for many of the provisions in this bill is not, at least to me, sufficient justification to blindly give it our support. While he may have been flippant in his calls for criminals to be microchipped, the recent controversy surrounding Police Commissioner Mal Hyde demonstrates that the desires of our police do not always match those of our community.

I have confirmed that the Attorney-General has agreed not to proceed the bill through to the committee stage this week, and I am grateful for that because, as I have said, I am considering amendments to this bill and would like time to hear what other members have to say about this bill and what their concerns are as well. In saying that, I look forward to the committee stage of this bill.

The Hon. M. PARNELL (17:16): All violent crime is abhorrent, but knife crime is a particularly frightening phenomenon, which is of great concern to many but especially to the parents of teenagers, who worry that some of the trends we have seen overseas, such as in the UK, might find their way here.

One thing I am sure all members would agree on is that knife crime is unacceptable. However, this bill is a very complex response to tackling the problem of weapons-related crime and, more specifically, knife crime. It is the government's response to a request from the police, which flows from the incident in Grenfell Street some years ago that has been referred to already, where one youth was attacked with a knife by another youth and died as a result.

The bill repeals two sections of the current act and replaces them with a new part that is far more complex than the sections replaced. The new part 3A is some 11 pages in length and deals solely with weapons. The new part creates new categories of offence. It provides for weapons prohibition orders and includes the power to search for prohibited weapons.

This bill sets up the use of regulations to prescribe a number of things: first, the circumstances that relate to lawful excuses in relation to knives; secondly, specified classes of weapons; and, thirdly, evidentiary provisions. I am encouraged by the undertaking, as I have heard it referred to, that we will be seeing the regulations before we conclude the committee stage of this bill.

There are a number of aspects of this bill that concern the Greens, not the least of which is the use, again, of criminal intelligence. We find that this concept infringes many established legal principles, such as the right to know the case against you. Whilst it may have started off with good intention in antiterrorist laws, it has found its way into numerous other pieces of legislation since. The Greens do not support criminal intelligence in legislation, and we do not like it in this bill.

As other members have referred to already, the Law Society has put in a comprehensive submission that raises serious questions about whether this bill is the right tool for the job. The society makes three general comments before outlining in some detail various clauses in the bill. I think that detailed analysis can and should wait until the committee stage, but I will put on the record the three overarching comments made by the Law Society.

The first thing the Law Society says is that the bill invests the police with extraordinary powers, particularly the commissioner—powers which, in the Law Society's view, more properly reside with the court. Secondly, the Law Society points out that a number of the new sections in the bill reverse the onus of proof and the Law Society sees reversing the onus of proof as a creeping tendency in legislation and they reject it out of hand. The third overarching comment they make is that this bill goes beyond the boundaries of other criminal offences and many of the provisions are not consistent with the rule of law to provide citizens with full procedural fairness.

That is about as tough as it gets with Law Society submissions. They often invite us to tinker around the edges of legislation. They do not like this bill at all. The Law Society makes the observation—and I think we would all agree with this—that we all understand the desirability of

reducing the incidence of violent offences involving weapons. No-one could doubt that is a noble intention. As the society points out, the more difficult issue is where to draw the line between acceptable preventative conduct by the state and conduct which unduly infringes on the liberty and rights of privacy of the citizen.

I look forward to seeing the proposed regulations and I also look forward to seeing the minister's answers to the questions that have been put on notice. They were many of the same questions that I was proposing to ask but I do not need to now. I will conclude by saying that the government has a lot of work to do before the Greens would consider supporting this bill.

Debate adjourned on motion of Hon. J.M. Gazzola.

At 17:22 the council adjourned to Wednesday 9 February 2011 at 14:15.