LEGISLATIVE COUNCIL

Wednesday 30 November 2011

The PRESIDENT (Hon. R.K. Sneath) took the chair at 10:03 and read prayers.

SUMMARY OFFENCES (PRESCRIBED MOTOR VEHICLES) AMENDMENT BILL

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for Tourism, Minister for the Status of Women) (10:04): I move:

That the sitting of the Legislative Council be not suspended during the continuation of the conference with the House of Assembly on the bill.

Motion carried.

SITTINGS AND BUSINESS

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for Tourism, Minister for the Status of Women) (10:04): I move:

That standing orders be so far suspended as to enable petitions, the tabling of papers, question time and statements on matters of interest to be taken into consideration at 2.15pm, and orders of the day, government business to be taken into consideration prior to notices of motion and orders of the day, private business.

Motion carried.

LIVESTOCK (MISCELLANEOUS) AMENDMENT BILL

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for Tourism, Minister for the Status of Women) (10:05): Obtained leave and introduced a bill for an act to amend the Livestock Act 1997. Read a first time.

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for Tourism, Minister for the Status of Women) (10:05): I move:

That this bill be now read a second time.

This bill is about improving the current operation of the Livestock Act 1997. The current act came into operation in January 1998 and represented the consolidation of eight acts relating to the health of livestock in South Australia. The act incorporates support for a number of important national agreements, for example, the National Livestock Identification Scheme (NLIS) and the national agreement for funding of emergency responses to exotic disease incursions, ensuring that South Australia is in harmony with livestock legislation enacted elsewhere in Australia.

The act provides for registration requirements in relation to the keeping of livestock to ensure fast and effective tracing of livestock in the event of the detection of an emergency animal disease. There are also registration requirements in relation to artificial breeding centres and veterinary diagnostic laboratories. These requirements ensure that the minimum necessary standards are complied with for the protection and benefit of the state's livestock industries.

The act provides the government with the ability to investigate and control any animal disease or contaminant that may impact on the health of livestock, people or native or feral animals, or the marketability of livestock or livestock products.

The act also provides for the establishment of livestock advisory groups, which advise the minister directly on matters affecting the sectors that they represent. Currently, there are seven advisory groups (sheep, cattle, pigs, goats, deer, alpaca and horses). These groups have greatly assisted the government in developing appropriate policy for their particular sectors of the livestock industries. The advisory groups representing those industry sectors that have funds established under the Primary Industry Funding Schemes Act 1998 also act as the consultative committee for the respective funds, providing advice to the minister in relation to the administration of the funds.

Good governance requires continual legislative review to ensure that the regulatory framework meets the needs of the community without stifling endeavour or putting at risk the enviable health status of our livestock industries. It is recognised that this relatively contemporary

piece of legislation can be improved with fine tuning certain existing provisions, removing obsolete or unnecessary provisions and including new provisions that will give the livestock-owning communities greater say in how animal health-related diseases and issues are dealt with.

Amendment of the act is proposed to enable recovery of costs from individuals who refuse or fail to take required disease control actions, beyond just the expenses incurred by inspectors. This is particularly aimed at the apiary sector where a significant amount of taxpayer and industry funds are used to clean up neglected and abandoned hives and hive material, which present a biosecurity threat to the bee and honey industries.

Specific provisions for the allocation of a property identification code (PIC) to all properties with livestock have been developed to provide for more equitable penalty provisions for persons in breach of the requirements and to improve the current PIC system. The PIC is an essential component of the NLIS and provides vital information about livestock properties for use in disease emergencies and natural disasters. These new provisions will not change the current requirements and operation of the PIC registration system.

The amendments to improve operation of the act commenced with the release, in August 2009, of a discussion paper that identified a number of issues of interest and invited comment from stakeholders on the working of the act and the proposed amendments. Stakeholder comments were fully supportive of the proposed general amendments, and recent consultation confirmed that these amendments are still supported. The proposed amendments to the act establish cost recovery of the animal health program and are not being pursued at this time.

Following amendment of the act, Biosecurity SA will be consulting with relevant industry sectors in developing any necessary consequential amendments to the regulation. The bill contains a number of enhancements that will benefit primary industry producers, and I commend the bill to members and seek leave to insert the explanation of clauses in *Hansard* without my reading them.

Leave granted.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of Livestock Act 1997

4—Amendment of section 3—Interpretation—general

A new pointer definition is inserted in relation to category 1, 2 and 3 offences, categories used in connection with maximum penalties and expiation fees (see clauses 7, 10 and 20).

The existing pointer definition relating to notifiable disease is altered so as to refer to a new category—notifiable (report only) disease (see clauses 5 and 16).

The definition of veterinary diagnostic laboratory is altered so that it does not include a place of business of a veterinary surgeon if the only samples or specimens that are tested or analysed come from livestock being treated (as well as diagnosed) by the veterinary surgeon in the ordinary course of his or her practice. Such a laboratory will not be required to be registered.

5—Amendment of section 4—Interpretation—notifiable condition and exotic disease

This amendment provides for designation by the Minister by Gazette notice of a notifiable (report only) disease.

6—Amendment of section 5—Interpretation—livestock etc affected or suspected of being affected with a disease or contaminant

This amendment contemplates the Minister by Gazette notice specifying conditions that will mean that there is reason to suspect that livestock of a class susceptible to a disease are affected with the disease. This power is proposed to be used as necessary in responding to particular disease control programs agreed nationally.

7—Insertion of section 6A—Categories of offences determining maximum penalties and expiation fees

New section 6A provides for regulations prescribing the offences that are to be regarded as category 1, 2 or 3 for the purposes of penalty. Category 1 is specified as the default category. See clauses 10 and 20.

8—Amendment of section 9—Functions of livestock advisory groups

This amendment enables an advisory group to act on its own initiative in raising with the Minister any issue directly related to the sector of the livestock industry that it represents (rather than only at the request of the Minister). It also removes an out of date cross reference to Part 2 Division 2.

9—Amendment of section 10—Terms and conditions of membership and procedures

This amendment enables the Minister to give directions relating to the procedures of an advisory group. This is designed to facilitate consistency between the groups.

10—Amendment of section 17—Requirement for registration to keep certain livestock

The penalty for keeping livestock when not registered as required is substituted, so as to provide for graduated penalties and for expiation fees.

11—Amendment of section 19—Requirement for registration to perform artificial breeding procedure

The offence of carrying out an artificial breeding procedure on or in connection with livestock without being registered is made expiable and subject to further exceptions for a person who carries out an artificial breeding procedure on or in connection with livestock owned by the person, and an artificial breeding procedure carried out on or in connection with livestock by an employee of the owner of the livestock in the course of that employment.

12—Amendment of section 23—Term of registration and renewal

The amendment enables late renewal of registration and provides a process for applications for renewal.

13—Insertion of Part 3A—Identification codes

New section 26A empowers the making for regulations for a scheme of identification codes for places where livestock may be kept or handled and for stock agents. It is an expiable offence not to have a current identification code as required by the regulations.

14—Amendment of section 30—Movement of livestock or livestock products affected with notifiable condition

15—Amendment of section 31—Supply of livestock or livestock products affected with notifiable condition

The offences created by sections 30 and 31 are made expiable in cases not involving exotic disease.

16—Insertion of section 32A—Exemptions for notifiable (report only) diseases

New section 32A gives effect to the new category of notifiable (report only) diseases by disapplying provisions that do not relate to reporting to diseases of that category. The diseases that will fall into this category are those which, for export purposes, Government authorities must collect data but which do not require further regulation (such as leptospirosis, toxoplasmosis, campylobacteriosis and trichomonisais).

17—Amendment of heading to Part 4 Division 2

This amendment ensures that the heading properly reflects the proposed content.

18—Amendment of section 33—Prohibition on entry or movement of livestock or other property absolutely or without required health certificate etc

This amendment extends the power to impose documentation requirements relating to entry of livestock by Gazette notice to movement of livestock within or out of the State. This is intended to enhance disease control measures, particularly when responding to an emergency animal disease event. The offence in subsection (5) is made expiable except in relation to exotic disease.

19—Amendment of section 37—Gazette notices

The offence in subsection (4) of non compliance with a notice is made expiable except in relation to exotic disease. Police officers are given the powers and functions of an inspector for the purposes of the section.

20—Amendment of section 38—Individual orders

The penalty for non compliance with an order is substituted, so as to provide for graduated penalties and for expiation fees. Non compliance with a sign erected as required by an order is made expiable.

21—Amendment of section 39—Action on default

22—Amendment of section 41—Action where no person in charge and owner cannot be located

The reference to 'by an inspector' is deleted in each case so as to ensure that the costs and expenses that may be recovered include those attributable to engagement of the inspector.

23—Amendment of section 43—Limitation on destruction or disposal of livestock or other property

It is thought that the reference to the example of halters and rugs leads to the provision being read more narrowly than is intended.

24—Amendment of section 47—Establishment of Fund

25—Amendment of section 48—Application of Fund

These amendments update references to the types of agreements under which money is paid into the Exotic Diseases Eradication Fund.

26—Amendment of section 49—Claims for compensation from Fund

These amendments allow a claim to be made by the owner of livestock certified by an inspector as having been destroyed during a declared period on animal welfare grounds as a result of a prohibition against movement of the livestock in force for the purposes of controlling or eradicating a declared exotic disease. The animal may not have been infected with disease. They also require the amount of compensation paid to be reduced by the amount of the net proceeds of any sale of livestock carcasses or other property.

27—Amendment of section 68—General powers of inspectors

28—Amendment of section 72—Compliance notices

The reference to 'by an inspector' is deleted in each case so as to ensure that the costs and expenses that may be recovered include those attributable to engagement of the inspector.

29—Insertion of Part 8 Division 4—Public warning statements

New section 72A enables the Chief Inspector to issue a public warning or to erect signs at a livestock saleyard or other public place for the purposes of controlling or eradicating disease or contamination.

30—Amendment of section 85—Service

This amendment contemplates service of notices by email if an email address is provided to the Minister or Chief Inspector for the purpose.

31—Amendment of section 88—Regulations

This amendment expands the regulation making power relating to vaccines and diagnostic reagents to diagnostic assays used in relation to livestock or native or feral animals. This is designed to enable the regulations to prohibit unauthorised testing or vaccination for notifiable and exotic diseases.

Schedule 1—Transitional provisions

This provision transitions the regulations relating to identification codes into the new scheme contemplated by the insertion of Part 3A into the Act.

Debate adjourned on motion of Hon. J.M.A. Lensink.

WORKERS REHABILITATION AND COMPENSATION (EMPLOYER PAYMENTS) AMENDMENT BILL

In committee.

(Continued from 29 November 2011.)

Clause 1.

The Hon. R.I. LUCAS: The Liberal Party put some questions on clause 1 yesterday in relation to concerns the MBA had raised in relation to the new bonus penalty scheme, and the minister late yesterday provided some responses from WorkCover. Overnight, we have been in touch with the MBA and they have raised some further issues, which I intend to pursue with the minister at this clause. The first part of the minister's response on the bonus penalty scheme yesterday was in response to questions I had raised about caps to premium discounts. The government's response was:

I can also confirm that, consistent with the position paper released by WorkCover in July 2011, it is envisaged that transitional arrangements will apply for the first four years of the new approach and that any increase or decrease in an employer's premium rate will be capped at 125 per cent of the previous year's rate in the period 1 July 2012 and 30 June 2016 subject to any changes agreed to during the consultation process.

On consultation with the MBA, they provided the following comments to me, which I asked the minister to respond to:

Yes, we know there will be transitional arrangements, and we know that at the end of the transition poor performers will have a maximum cap of 1.5 to 2.5 times their premium rate. What we don't know—

and they say it is still not provided for in the minister's response—

is how low the ceiling will go on discounts for good performance at the end of the transitional period. Previous discussions stated one-third per year transitional. The position paper actually states from 1 July 2012 to 30 June 2016, if there is an increase in an employer's premium rates, the increase will be capped at 125 per cent of the previous year's rate for the first four years. To help offset the cost of providing this protection, there will also be a cap on decreases in premium rates due to good claims experience. This will also be set at 75 per cent of the previous year's rate for the first four years of the new approach.

My question to the government is: is the government in a position to respond to the MBA's question? Obviously, they have had some discussions with WorkCover officers and they say that 'previous discussions stated that one-third per year transitional'. But their question is: what we do

not know is how low the ceiling will go on discounts for good performance at the end of the transitional period.

The Hon. G.E. GAGO: I refer the honourable member and the MBA to the WorkCover SA position paper that was circulated in July 2011. I understand it is on the public record and has been for some time. On page 20 there is a summary of the parameters which shows that the minimum premium will be set at $200 plus GST plus occ. health and safety fee.

The Hon. R.I. LUCAS: Can I clarify that what the government is saying is that is post the transitional period: that is, there is this transitional arrangement through to 30 June 2016 and that quote the minister has taken from page 20 of the position paper is the government's current position for the post 2016 arrangements?

The Hon. G.E. GAGO: I have been advised yes.

The Hon. R.I. LUCAS: Further in the government's response, the minister said:

> In relation to the queries from the MBA about the impact of those employers just encapsulated in the experience rating scheme, it is correct that for such an employer the amount of premium based on their own experience will be limited.

The MBA's response to that was:

> Employers would like to know the expected limits of weightings for experienced based assessment so that they can calculate the true nature of how much discount could be achieved for good performance or, alternatively, how much of an increase would be expected based on the experience adjustment factors. Given the nature of the economic downturn, employers are reluctant to support an approach weighted towards higher costs without the ability to significantly reduce financial premium liabilities via good performance.

Is the government in a position to add anything further than the quote that the minister has already given from page 20 of the position paper; and is the government in a position to add anything further in response to that response provided by the MBA?

The Hon. G.E. GAGO: I have been advised that, in relation to when employers will know what impact this will have on them, approximately 91 per cent of employers will see no change to the way their premium is calculated. These are the registered employers who will be classified as small employers in the new approach.

The information required for experienced rated employers to get an accurate idea of the impact on them will not be available until May 2012. This information includes the industry claim cost rates which are aligned to the industry rates.

To assist employers, WorkCover is currently developing a premium calculator that will use proxy industry claim cost rates. The calculator will be made available around March next year, and the calculator will include proxy information.

The Hon. R.I. LUCAS: I thank the minister for that. Later in the government's response, the government said:

> Smaller employers are significantly less likely to experience a claim, therefore their claims experience is not an appropriate lever to significantly influence behaviour or impact on the amount they pay.

I certainly understand that response from the government in general, but the MBA's point is (and, clearly, the MBA represents people in the building and construction industry) that this is not the case for building and construction employers who have a higher rate due to the nature of the work undertaken.

I guess that the issue the MBA is raising is: does WorkCover believe that, in the scheme that it is about to implement, it is possible to differentiate? Whilst in general it might be true that smaller employers are significantly less likely to experience a claim, clearly some industries, such as building and construction, certainly believe that that is not the case, and that the issue of greater incentives for smaller employers in this industry may, for that industry, have a greater impact if an incentive for good performance over a period of time might provide them with greater incentive in terms of better occ health and safety and better WorkCover claims experience in their area.

Does the government believe that it is possible for its scheme to be designed to cater for that, or is it just not possible to be able to differentiate between industries, such as the construction and building industry, as opposed to a range of others? This is in relation to small employers as opposed to larger employers.

The Hon. G.E. GAGO: I have been advised that the simple answer to the question is, no. Obviously, a line needs to be drawn somewhere. The threshold has been modelled in consultation with the scheme actuary and it has been modelled in a way to achieve the fairest outcome for all employers.

The Hon. R.I. LUCAS: I can understand the first part of the minister's response, and I suspected that that would be the case. I do not necessarily agree that it is necessarily the fairest outcome for all employers because, clearly, when you have to do this inevitably some will be potentially advantaged and some will be potentially disadvantaged. The point that the MBA may well be making on behalf of small employers in its industry is that they might be the ones in general that might be disadvantaged by such a scheme. I understand, as I said, the first part of the minister's response in terms of how the actuaries and others might want to structure such a scheme.

Finally, it is on the same issue, so I am not seeking a response but putting on the record the MBA's response. The government, in its response, said that the larger an employer is the more influence they have over injury prevention and injury management, therefore it is appropriate that their claims experience is a larger component of their premium calculation. Consistent with the MBA's previous position, their response to that is that small employers can have a significant direct influence as well in terms of proactive injury management. The WorkCover awards highlighted what small business could do and were doing.

I think the point that the MBA are making is that, whilst the actuaries and others instructing these schemes, from my viewpoint, understandably are having to make the sorts of judgements, the MBA are indicating that in terms of injured workers, as they say, small employers can have a significant direct influence, and if they are provided under a scheme with greater incentive to do so they believe there will be better performance overall.

One would obviously hope that whatever the structure of the scheme employers would take the directions that were required to lower the number of work injuries within their worksites anyway. With that, I thank the minister and the government for the response to the issues that have been raised by the MBA on this scheme.

Clause passed.

Clauses 2 to 9 passed.

Clause 10.

The Hon. D.G.E. HOOD: I move:

Page 20, after line 26—Insert:

(1a) Subsection (1) does not apply if—

(a) the employer has not, with in the period of 12 months immediately before the date on which the statutory payment was required to be paid, been in default for failing to pay a previous statutory payment in accordance with the requirements of this act; and

(b) the employer pays the statutory payment within 14 days after the date on which the statutory payment was required to be paid under this act.

This is a very simple amendment, and I will not speak for very long because I understand the government has indicated that it will not oppose the amendment, or maybe even support it—a nuance of words there. This amendment fixes what I think is a pretty significant issue for employers who aim to do the right thing. Quite simply, under the current regime (if I can put it that way) companies or businesses that pay their WorkCover premiums on time and have a good payment history are in no way rewarded or even acknowledged for that.

Currently, if they are late for almost any reason, they will be automatically slapped with a fine from WorkCover if a monthly payment for WorkCover premiums is late. In fact, in the last week or so my office has had contact with a constituent who runs a small business and who claims that he has never made a late payment in the entire time he has operated his business but, due to a direct debit mishap with bank—a problem over which he had no control; it was the bank's error and the bank since acknowledged that it was their error—his premium for a recent month was, I understand, just 24 hours or so late; despite that, he was slapped with a fine of 80 per cent of that monthly premium from WorkCover, no questions asked.

I think that is unacceptable. This amendment rectifies that. What it puts in place is that good payment histories will be recognised. Specifically, that means that where a business has had a flawless history—that is, a perfect, payment history; they have paid on time, in full—in the preceding 12 months and if there is a hiccup, WorkCover cannot impose a fine on them if that particular business pays the outstanding premium in full within 14 days from the due date.

So, it requires 12 months of a perfect payment history, and then it gives them a 14-day grace period, which will allow for these sorts of issues that do come up from time to time, such as direct debits not occurring as they should. It is a pretty simple amendment, and I ask for the support of the chamber.

The Hon. G.E. GAGO: The government supports this amendment. The amendment applies to proposed section 72K of the amendment bill which closely replicates current section 71 of the Workers Rehabilitation and Compensation Act 1986. This section applies to employers who fail to pay statutory payments when or as required by the act, and allows the corporation to charge penalty interest on the amount in arrears, or to impose a fine on the employer.

The proposed amendment has the effect of limiting WorkCover's administrative powers by preventing the corporation from charging penalty interest on the amount in arrears, or imposing a fine on the employer, as long as the employer has not defaulted in the previous 12 months and makes the payment within the following 14 days.

The government appreciates the intent behind this proposal. Although legislative change is not necessary, the most appropriate or effective avenue with which to deal with such an administrative matter is not an amendment which will negatively impact on the implementation or functioning of the new approach to employer payments. As such, the government supports this amendment.

The Hon. R.I. LUCAS: As we outlined in the second reading, we support the amendment as well, and we congratulate the Hon. Mr Hood for raising the issue.

The Hon. T.A. FRANKS: The Greens also congratulate the Hon. Dennis Hood for raising this issue, and suggest that, if the government has a preferred method of making this amendment, it should put that forward. Again, this is a good example of how the Legislative Council actually improves legislation.

Amendment carried; clause as amended passed.

Remaining clauses (11 to 15), schedules and title passed.

Bill reported with amendment.

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for Tourism, Minister for the Status of Women) (10:33): I move:

That this bill be now read a third time.

Bill read a third time and passed.

The Hon. J.M. GAZZOLA: Mr President, I draw your attention to the state of the council.

A quorum having been formed:

WATER INDUSTRY BILL

Adjourned debate on second reading.

(Continued from 10 November 2011.)

The Hon. D.W. RIDGWAY (Leader of the Opposition) (10:37): I rise on behalf of the opposition to speak to the Water Industry Bill 2011, and indicate that this has come from the House of Assembly. This bill has been a greatly anticipated piece of legislation and, given the public focus that water policy has had over the past term of this government, it deserves a great deal of attention and scrutiny.

In fact, you could say that the public focus on the water policy has been not only in the past term of this government but also in the entire time this government has been in office. This bill repeals the water conservation, water works and sewerage acts, the acts which confer the powers to enable construction and maintenance of the infrastructure that we need for water supply. The bill

then establishes new regimes for the supply of water and sewerage services on both private and public land.

The main facets of the bill are—and reserving debate on how effectively we think the legislation will provide for these functions—a supposed independent pricing regime; third party access to water infrastructure; a state water demand and supply statement to be prepared by the minister; a new arrangement for the technical regulation of water and the water industry; and, finally, a replacement of powers from the repealed acts on land access, the establishment of infrastructure, the protection of infrastructure equipment and water supplies and the establishment of the Save the River Murray Levy and fund.

As we have often seen with significant government legislation at the point of debate, there are not yet any draft regulations for us to consider, and it really does make it difficult to be able to scrutinise how many aspects of this legislation would play out on a practical level. While I know that it is not always possible to provide the chamber with a finalised set of regulations, it really would make it simpler and a little easier to understand if we were provided with some draft regulations. I know that the Hon. Paul Holloway was frustrated at times when I requested that information but, with a couple of pieces of legislation, we did have the government provide what were draft regulations, and it really did assist us in the debate with understanding how complex legislation would play out and how it would impact the life of everyday South Australians.

Before commenting on the technicalities of the bill, I would like to repeat a few points made by our shadow minister, Mitch Williams, in the other place; I think they are important in setting out the context of this legislation. The experience South Australia has had with water, particularly from 2004 to 2009, has not really been as a result of water scarcity but rather a scarcity of water management. It is a testament to this Labor government's lack of water management credentials.

The common perception is that that the five-year period was the most severe South Australian drought in recorded history, but that was only when water users began to notice it. It was prior to 2004 that this government should have been really honing in on water security—and I think that is the point. This is a government that basically buried its head in the sand in relation to water security and the supply of water, just assuming that there would be a solution around the corner. This is something that was manifesting itself over the entire life of this government.

The government had a chance and a responsibility to implement many water strategies, but it waited until South Australia was in a dire situation to take any action and, even then, the outcomes have been less than desirable. We are in the situation we are today because the government has failed to take action over the past 10 years and not just since the River Murray began drying up.

Back in 2006, when I was the shadow minister for the River Murray, I went to Perth with a group of other opposition members to look at the Kwinana desalination plant. At that time, the Western Australian plant was, I think, a 50-gigalitre plant and, when we visited it, it was at about the same stage as the Port Stanvac plant is today. We had a taste of the very first water, but the plant was not fully commissioned at that stage.

It was interesting to look at that whole debate. The decision was made by the Western Australian government to build that plant, probably because Perth had been under threat from declining rainfall for a bit longer period than we had been; the statistics show that rainfall had been tapering off for the last 30 years. However, a decision was made by the government to build a 50-gigalitre plant in Cockburn, with the outfall and the intake in Cockburn Sound.

They were able to do all of the design work, the competitive tender process, as well as environmental monitoring and assessment of some modelling in the Cockburn Sound, and that all ran concurrently. They were able to announce that they were going build a desalination plant, get all of the approvals and regulatory approval through and build the plant in what seemed to be a very short time frame at a much lower cost than certainly our desalination plant has cost.

Since then, they have also commissioned a second plant. It is about the same size as the South Australian plant but, again, at about the fraction of the cost. The price difference, as I said, had much to do with timing. What we have seen here is that, for too long, Labor thought that it could survive the drought by simply toughening water restrictions. It refused to consider strategies that took reliance off the River Murray.

After we had looked at the desalination plant in Perth, we spoke to experts and we made an assessment. We announced, in 2007, that, if we were the government, we would build a

desalination plant to produce 45 gigalitres of potable water, which is about 22 per cent of Adelaide's requirements. All the expert advice that was provided to the opposition said that, when you have different sources of water—we have the Hills and the catchments there, the River Murray and desalination—with our complex water supply as it stood at the time, 20 to 25 per cent of water being delivered from desalination was a sensible place to be.

But alas, for arrogant political reasons the government refused to concede, for a long time, that desalination would be part of the answer to the water security challenge. I can recall that in the end there was a huge degree of public pressure that finally caused the government to turn to the option—which, of course, it has executed badly.

However, I recall that during that time the government said that we did not need a desalination plant, that 45 gigalitres was too big and too expensive, that we did not know what we were talking about. It is interesting to note that, at the time, we in opposition sought advice—and you know, Mr President, because you have been in opposition yourself, the scant resources that oppositions have. I also used my parliamentary travel to travel to Dubai and look at some desalination plants in the Middle East.

With our scant resources we were able to suggest that we should have a 45 gigalitre plant and that one of the places where it sort of made sense to look at putting it would be the Port Stanvac site. There was water infrastructure at Happy Valley Reservoir and it was not hard to connect into the main system, and there was also a significant power supply to the old Mitsubishi engine plant there. You did not have to be a rocket scientist to say, 'That is clearly a place to look first.' The other site to look at was maybe Pelican Point, because it has access to water and is also right next to a power station. That was an option from the opposition's point of view.

So, in 2007 we announced that if we were in government that is what we thought we should do. This government said that no, we didn't know what we were talking about; it was too expensive, we didn't need a desalination plant. I know that the then premier said to the Hon. Malcolm Turnbull, when he was federal minister for the environment, 'Malcolm, what do we do? We can build a desalination plant; what do we do if it rains? We don't need it. I'll look like a fool.' In the end he did look like a fool, because we had the Hon. Karlene Maywald, the then minister for water security, appoint a high level task force to decide on a location.

Now, recall that the opposition, with scant resources, was saying that Port Stanvac was the logical place to look first.. Of course, after 18 months a report from this high level task force came back to the parliament, to the minister, that yes indeed, they would build a desalination plant, and it would be at Port Stanvac. I think that typified the arrogance and lack of understanding of this government when it came to water security in our state.

We wasted almost two years before the construction process started. I do not have the exact figures, but my recollection is that the Western Australian plant was $300 million to $400 million. I might add that the consortia that was building the desalination plant in Perth gave us an unofficial, off-the-record view that if a state government in South Australia wanted a desalination plant it could have gone to tender; there was plenty of capacity in the water industry for construction of a desalination plant.

But, of course, the government waited; it sat on its hands and buried its head in the sand, and when it had been delayed for probably nearly two years the government eventually announced a 50 gigalitre plant but it was $1.1 billion. So we had gone from potentially, two years before, about $400 million to $1.1 billion—plus, of course, $300 million for the north-south connector. Over time the connector disappeared from the equation, although the $1.1 billion stayed the same.

Then, astonishingly, the government announced that it would double the capacity of the plant, bringing the cost up by another $400 million. So that is $1.8 billion. Finally, the connector was reintroduced into the equation, but the price had inflated by another $100 million. In the end the cost went from $1.1 billion to $2 billion.

My question to the minister is: could the minister provide to the chamber the advice the government got (and I do not think it is reasonable to accept, 'Oh, this was a cabinet document'), the advice that was given to the minister proposing this, the minister for water security, that said that Adelaide needed to go from a 45 gigalitre plant to a 90 or 100 gigalitre plant? Who in the industry gave the specialist consultants that the government would have employed, gave the government, the advice that it needed to build a 90 gigalitre plant?

I think all of us would accept that while you have the experts and the specialised equipment there, maybe that is the time to just do some of the engineering, such as maybe the tunnels that have gone out down through the cliff. We would accept that maybe you might do some of that doubling so that, when the population of the state grew or we had significant periods of drought or whenever the need arose, you would actually have done that, if you like, very heavy engineering to prepare the plant for an increased capacity.

But I think there is something missing in the debate. Usually this government is able to table a document or a report that backs up why they have made a decision. While they would say they are a pretty skilful lot, I suspect that the government is not that skilful in a whole range of areas and, in the opposition team, there are no hydrologists, no water experts. You do rely extensively on advice from external parties when it comes to this specialised decision.

In relation to the decision to double the size of the plant—given that it is a $2.2 billion project and water prices now are shooting through the roof almost like a fountain, fountaining up into the sky—I think the South Australian public needs to know what advice, what evidence, the government received as to why we went from a 45 gigalitre plant to a 90 or 100 gigalitre plant, and that should be published.

Of course, this Labor government has gone from refuting that desalination would play any part in the water security equation to saying that desalination would provide well and truly beyond Adelaide's essential water needs. We all know that about 25 per cent is what you need, but of course now it is close to 70 per cent when you take it up to 100 gigalitres a year.

If you look at our consumption over the previous years, South Australia's consumptive use in the Adelaide metro area over the time when level 3 water restrictions were in play was about 168 gigalitres per year. The restrictions reduced it to 130 gigalitres a year so, effectively, if you have 100 gigalitres supply from a desal plant, you have 70 per cent of Adelaide's water needs.

Of course, the former premier feared, when he spoke to the federal minister about the desalination plant, what he would do if it rained, and of course it did rain. It always does rain and that is why it was just a foolish, reckless decision to double the plant at the time that they did. Sure, parts of the engineering needed to be done so that that could be done in the future, but to lock South Australians into a $2.2 billion desalination plant when there appears to be no evidence to do so is just reckless and very arrogant.

I say at this point that this ridiculous decision, especially given the point I made earlier about the scarcity of water managers versus the scarcity of water, is a standout kneejerk response to South Australia's drought. It highlighted this government's failure to offer water security and a genuine understanding of water management. The opposition does not believe that this bill will actually do anything to correct those fundamental issues, that is, the fact that Labor really does not seem to understand or be able to achieve water security.

The other issue is that South Australians will now pay for that bad decision. SA Water's asset value is critical to the determination of the price of water. One of the main parts of this bill is to do with water pricing. This bill supposedly delivers on a government policy to institute an independent water pricing mechanism. What it actually does is give the Treasurer the power to issue ESCOSA with a water pricing order.

The price of water can be determined from there, so the bill does not contain any policies, parameters, principles, factors or other matters that guide the setting of water and sewerage prices. They are all subject to an order from the Treasurer. That includes whether the $2.2 billion desalination plant should be structured into water pricing to be borne by consumers over the next 30 years. It is far from being an independent pricing mechanism.

The bill also requires the minister to prepare and maintain a state water demand and supply statement which is to be comprehensively reviewed every five years with a progress report being tabled each year. The opposition sees this as a positive move, but it still fails to see how it will contribute to the government's 'active management' of water. That was the term used by minister Caica in his second reading explanation. How does this reporting mechanism contribute to the government actually having a firm grasp of the environment that it is operating in, and what has been done on the ground to achieve water security? Will this reporting requirement actually have any real outcomes, or will it be just another bureaucratic regime?

The other area I would like to touch on is stormwater. This is another hallmark policy failure by Labor. The annual run-off from metropolitan Adelaide in an average rainfall year is about

160 gigalitres. Interestingly, that is almost equivalent to the figure I quoted earlier for metropolitan Adelaide's average annual water consumption when restrictions first came into place. I repeat that South Australia's water situation is not about water scarcity, as can be seen by that amount of stormwater run-off; it is about a failure to manage the resource properly.

In May 2008, the Liberals committed to implementing a stormwater recycling infrastructure plan to ensure the capture and re-use of at least 50 per cent of that 160 gigalitres. Like desalination, it is not the silver bullet for our water crisis, but it was an important opportunity to increase and diversify our supply options and therefore improve our water security. The technology needed to capture, clean, store and re-use water for potable and non-potable supplies has been proven, but the government again refused to embrace the policy which could unlock one of the state's most plentiful water resources.

As stated by my colleague, due to this Labor government we now have a situation where we have been forced to develop stormwater recovery and re-use schemes for none other than irrigation purposes. This is a reasonable thing to do, but the water still falls well short of its potential. The essential problem is that, to re-use water efficiently, you need to treat it properly. You need to put it underground, bring it back to the surface and then put it into the existing system. The government says you cannot do that, but the technology exists to do it.

If you look at the great work that has been done by the City of Salisbury, sure, they use the water for irrigation, but it comes back out of the ground in almost potable condition. I am sure that it is no worse than the water that comes out of the River Murray or the Adelaide Hills' reservoirs, and it certainly would not be very difficult to treat it to a level where it can be put back into our pipes, without having to dual plumb the city, which would be tremendously expensive.

The government was particularly opposed to the Liberal stormwater plan. They tried to debunk it for the whole of the last election campaign. It was interesting to note that after the election campaign there was a request from the minister—so I was advised by some public servants, and that they were looking at every possible way to do a backflip on their opposition to stormwater harvesting and recycling. The government set down some new targets, but they are limited by their policies and some of the infrastructure that we have.

Sadly, this legislation does nothing to resolve that situation. In fact, this bill actually takes a backward step in one sense because it fails to distinguish between potable and non-potable water. The bill proposes to establish a new regime to regulate water supply and sewerage services under the auspices of the Essential Services Commission. While this makes sense, the opposition does not see how non-potable water supply is classified as an essential service.

We now have a situation where many local governments, such as Salisbury, are well advanced in their non-potable water management and also responsible for stormwater management. Of course, SA Water remains responsible for the bulk of the potable water supply, and this bill fails to determine how different entities will be treated. I indicate that we will be moving amendments to exempt non-potable water supply. Council wastewater management schemes do not deserve to have this heavy-handed regulatory treatment.

I would also like to touch on third-party access. This bill does not do anything in terms of real action on what is supposedly a government policy. It simply requires the minister to produce a report on certain factors of a regime. The industry sees third party access as an absolute must in order to promote innovation, lower costs and competition. My colleague in another place has proposed that we take this legislation a step further by obliging SA Water to provide a transport service to farmers for stock water, where farmers acquire their own River Murray water entitlement.

Mitch Williams, the member for MacKillop, has been approached by a number of farmers on this particular issue. Due to water prices, they are desperate for a product that they can use to keep their livestock and farming properties viable in coming years. He has informed me that he has constituents in his electorate paying over $100,000 a year for water for their livestock. It is well and truly time for reform of our water industry in terms of third party access. We really cannot afford to sit and wait while the government prepares and then shelves yet another report.

These provisions need to be made in legislation so that we can protect one of South Australia's most important industries and stop it from being wiped out. I think that this government fails to grasp the impact of its decisions on country South Australians. Clearly, as we will see later today with the debate on the select committee report into the sale of the forestry rotations, it simply does not understand or care about the impact on rural and regional South Australia.

We are also glad to see that this technical regulation of the industry will be removed from SA Water—and the plumbing industry is very happy with that, too. However, setting up a new regime seems a little short-sighted. As stated by Mitch Williams, the member for MacKillop, the Water Industry Association already sponsors a full suite of codes of practice. Why can't we get on board with other jurisdictions across the country and establish an organisation such as the Water Industry Association to provide all the technical standards that we need? Is the government even having that conversation with other states?

That is a question I would like to formally ask the minister. Naturally, we have the debate raging about the Murray-Darling Basin, but what discussions are being had with other states in relation to regulation and in particular the technical regulation across borders? I am not sure if there is any transfer of potable water across borders but I am sure that in the South-East there potentially could be and, of course, we have all the other states—Victoria, New South Wales and Queensland—where there may well be a transfer of potable water across state borders. I am interested in knowing whether the government is having that conversation.

We are also pleased to hear that concession schemes will be approved and funded by the minister under this bill, and congratulate them for seeing the folly of their ways in implementing a cross-subsidy scheme for solar feed-in. There has been a terrible outcome, especially for people on concessions who can barely afford their own electricity. I recall that in a meeting with the minister's office throughout debate on the feed-in bill, there was an admission that the Premier had not got it right in committing to increasing the tariff and, from there on, moves to honour the commitment were predicated on a political decision rather than good policy. We are glad the government, at this point, is not making the same mistake again.

The minister in his second reading discussed protection for low-income earners and regional consumers but we are waiting to see that in the regulations as it does not appear in the bill. Again, that is why I raise the concern about not seeing the regulations as it will actually help us to understand what the government is try to achieve.

The opposition will be moving a number of amendments to this bill, including one to relieve South Australian SA Water customers whose supply has no connection with the River Murray from paying the levy as per part of our party policy; it is insane that we should levy people who do not use the River Murray. Mr President, back in your old stamping ground in the South-East—as you well know, the River Murray pipeline finishes halfway between Keith and Bordertown—all SA Water customers pay the River Murray levy.

That is a pretty arrogant, selfish and out-of-touch approach from this government. When the Premier visits the South-East some time between now and Christmas I hope he makes two decisions: one to reverse the sale of the forests and the other to exempt all non River Murray connected water users from paying the River Murray levy. With those comments, I look forward to further debate, and the opposition supports the second reading of the bill.

The Hon. R.L. BROKENSHIRE (11:04): Firstly, I rise to advise the house that Family First will be supporting the principles of this bill. However, we intend to move some amendments in committee stage, which I understand will be early in the new year. The Water Industry Bill is an important bill, and I am hoping that it will pave the way to allowing more flexibility and more opportunity for third-party associations, corporations and the like to be able to utilise what has been a monopoly situation with SA Water pipes in the past. I hope we will see this develop into opportunities like those we have seen with multiple telco companies now as against the old monopoly of Telstra.

There is no doubt—and I am sure all colleagues would agree—that water is a key issue for all South Australians. It is an issue that will continue to need very good management into the future if we are to be able to continue food production the way that we all hope to and also be able to accommodate the government's Greater Adelaide plan over the next 30 years with respect to up to 500,000 more people coming into the state and needing water. Of course, we also see issues around mining expansion; mines are also quite high users of water.

There are opportunities where we can learn a lot. I commend the Salisbury council, and Colin Pitman in particular, for the way they have led the way with stormwater harvesting, aquifer storage and recovery. In the south in particular, the City of Onkaparinga has developed Water Proofing the South and other initiatives with quite a lot of money provided by the commonwealth. There are other smaller initiatives, one of which I was proud to have a lot of input into back in the mid-1990s. That was the opportunity through the now Willunga Basin Water Company, which buys

bulk recycled water from SA Water at Christies Beach treatment plant and brings that through purple pipes into the Willunga Basin.

Clearly there are lots of avenues for expanding and re-using our water. When you consider that water from the Thames in England is used up to seven times before it goes to sea, I am sure we still have a lot to learn in South Australia, and indeed throughout the nation of Australia, with respect to better water usage.

I just want to touch on the Save the Murray levy. It will not be a surprise to the government. I have been critical of the Save the Murray levy for some time. I do not believe that it has delivered what it should have delivered. It is costing South Australian taxpayers about $24 million a year. We have seen a situation where there has been a change of responsibility, control and management now with the new Murray-Darling Basin Authority.

We have seen $13 billion provided by the commonwealth again since the Save the River Murray levy was first introduced. Given that a lot of that money is unspent and a lot is used for administration, I believe that there is an opportunity to not only remove the levy from those people who do not access River Murray water, as the Hon. David Ridgway, Leader of the Opposition in the Legislative Council just debated, but to remove this levy and start to give people some full taxation relief at a time when we all really do need it in South Australia.

We know that pricing is a big issue for water. The desalination plant is only further adding to that. There is no doubt now that people are as worried about water pricing as they are about electricity pricing. They are big on the agenda of all households in our state. We have the third-highest price for water of all states and territories, at about $2.30 a kilolitre. When you look at states like New South Wales, Western Australia and Tasmania, we know Tasmania has the advantage, but comparing New South Wales and Western Australia, where I would argue they do not have an advantage, they are at $1.96 a kilolitre in New South Wales and $1.64 in Western Australia.

As I said, water prices are rising. The government's decisions of late have indicated that we could see another 50 per cent increase, I understand, in water prices. Family First supports independent pricing, as exists, for instance, in New South Wales and Victoria, but with some controls which we think are the aim of the structure the government has developed through the pricing order regime. Our concerns as to just how effective that will be will come out in the questions I will ask during the committee stage, but certainly we do need to look closely at pricing structure.

I put on notice a question for the government; specifically: how will the pricing order structure work if it has been issued to ESCOSA, and what sanctions can they take if the pricing structure developed by ESCOSA is not in harmony with the pricing order? Is it like a veto? I also want to touch on issues regarding farmers in particular. This exorbitant increase in water costs has had an impact and will have a continuing impact on all South Australians who utilise River Murray water, but it is having a significant impact in the Clare and Willunga basins for those who irrigate their vineyards and other horticulture with mains water.

Also impacted are dairy farmers and sheep and beef cattle graziers, especially in the Meningie area, where they have to use mains water for watering their stock, cleaning their feedlots, cleaning their dairies, and for all animal husbandry. I have had reports through the South Australian Dairy Farmers Association, of which I and my family are members, that some of these farmers are now seeing bills of over $100,000 a year for mains water. It is now the biggest expense on their farms, and is actually threatening the viability of their businesses, so I do intend to move some amendments to address that during the committee stage.

I want to see a principle of fairness for farmers. If we are to be serious and holistic in our approach as government and parliament, there is no doubt that we need to look at what imposts are prohibiting and inhibiting farmers from being able to produce the food we need for our state's consumption, for the nation's consumption, and for exports. I think all members would agree that, if we are now seeing figures of $100,000 or more for water bills, it is just unacceptable and completely puts those farmers out of any level playing field competition base with their counterparts in other states.

I believe that competition is an issue we really need to question and challenge during the committee stage. We will be moving an amendment regarding competition; I see that as an opportunity, with respect to the Water Industry Bill, and I know that the government will have concerns about their bottom-line return from SA Water. From memory, the net return to the

government is well over $250 million a year; it is one of the biggest returns—next to ForestrySA and possibly the Lotteries Commission—that the government receives.

The Hon. S.G. Wade: Cash cows.

The Hon. R.L. BROKENSHIRE: As the Hon. Mr Wade said, it is a huge amount of money. I know government needs to manage its budget but, now that this bill has been brought in, I think it is time that we have a look at how we can actually get more competition in and ensure that SA Water does not have a monopoly dictated to by Treasury, where there is just more and more by way of charges.

I talk to pensioners and people on low incomes, and they are telling me that they now get a water bill for $70, $80, or $90 and the actual amount of water that they utilise is less than or around $10; the rest of it is for fees, charges and management of infrastructure. They are noticing that now and talking about it in the community; therefore, I believe that we have a responsibility in this chamber to move amendments that may, down the track—I admit and acknowledge that it will not be overnight—through legislation allow legal opportunities for competition through those pipes in South Australia.

Family First certainly welcomes competition if it delivers cheaper water and fairer water billing for householders. We need to reduce our water consumption and, subject to some of the savings provisions about equity for pensioners, families, and regional communities, we believe a fairer pricing model is possible, either through the SA Water monopoly or through the involvement of monopolies and opening up that competition.

We have seen a sweetheart deal done this week with BHP Billiton. Yes, we did support this and want to see the success of that expansion, but when you consider that they are going to be using between 24 million and 42 million litres of water a day, and they are paying only $1,200 for that when we should be charging $88,000, we are able to accommodate the needs of BHP—one of the biggest mining companies in the world—yet we have this major negative impact on general householders' budgets.

In conclusion, this is a major bill for South Australia. I will be spending quite a bit of time in committee moving our own amendments, questioning the minister and listening to other colleagues who will have amendments as well, as has already been flagged by the Liberal Party so far. I would expect other amendments, possibly, from other parties and crossbench members.

I want to finish by saying that I appreciate minister Gago indicating that the government did want to get through second readings on this but was prepared to then look at amendments and the committee stage next year. I think that is a good move on behalf of the government. With the heavy workload that the Leader of the Government has in this house, she made the time to speak to some of us, I understand, to let us know that the government would accept that. I see that as good management of the house and I want to put on the public record my appreciation to the Leader of Government Business in this house.

It is important to get this right and look at all the options, particularly after this summer when water supply and retail issues become clearer. With those few remarks, I look forward to committee on this bill next year.

The Hon. M. PARNELL (11:16): The Greens will be supporting the second reading of this bill, but, as other colleagues have mentioned, we accept that this bill will need a lot of scrutiny in committee and, no doubt, many amendments will be moved. Certainly, the Liberals have some amendments on file. Family First have flagged some amendments and the Greens, too, are looking at amendments—in particular, amendments that seek to protect low-income people and vulnerable consumers from the ever-increasing cost of water. We expect that, when this bill comes back into committee in February next year, it will be a comprehensive debate.

The starting point for the Greens is pretty straightforward: water is absolutely essential for life. It is essential in the domestic realm, in commerce and in industry. As it is a natural monopoly, the Greens believe that water is most appropriately managed in public hands by public authorities who are responsive, first and foremost, to the public interest.

The idea of natural monopolies has been undermined over the years as governments have sought to artificially break down those monopolies and increase competition, and we see it in a whole range of utilities. Whilst there might be one set of wires going into your house, one set of pipes going into your house and one bus running past your house, the government seeks to try to artificially insert competition into that process with a view to having more efficient services.

Sometimes that is successful; more often than not it fails. Ultimately, the cost is always borne by consumers and, when private interests are involved, the consumers pay not only the cost of the services but the cost of the profit component to the private-sector operators as well.

So, the natural monopoly argument, I think, is still very valid in relation to water services, whether it is water in or wastewater out. I say that, even knowing that third pipes, delivering non-potable water, would be of great advantage to many people in South Australia. We see that in new housing developments and I think there is still scope to retrofit the existing urban area with third pipes—purple pipes that provide a quality of water suitable for flushing toilets, suitable for watering your garden, but not necessarily of a high enough standard to drink. That service can still be provided by public sector agencies managing the service in the public interest.

A big question in this bill and, in fact, the key driver behind this bill, is: how do we involve third parties, what role should there be for third parties and how should we regulate third-party access? The first thing I would say is that we are already seeing some of the opportunities for third-party involvement. As has been mentioned before, the City of Salisbury have become involved as a water supplier through their innovative and award-winning projects to capture stormwater and inject it into the aquifers where it is stored and then retrieved later on for use. We need to allow those publicly owned third parties to have fair access to infrastructure and a role in the overall water-distribution system.

The more controversial element is going to be the role for commercial third parties. I think it is fair to say that the Greens are very nervous around how that will be managed, given the history of commercial third-party access to natural monopolies and public infrastructure in the past. We are not ruling it out, but we do need to make sure that any commercial third-party involvement is managed and regulated in the public interest and managed ultimately by public authorities.

It is probably a decade or so ago that we saw the maintenance of our water infrastructure outsourced to United Water. Long before I came into parliament, I was part of the movement that questioned that approach, opposed that approach. I remember attending rallies. That particular contract, as we all know now, ended in tears. It ended in the courts as well. However, the principle, I think, remains, and that is that essential public infrastructure should remain under public control. That does not mean there cannot be contracting out, but we need to make sure that we keep control.

It is impossible, I think, to talk about the water industry without talking about the desalination plant. The Greens are on the record as saying that we believe that that plant was unnecessary, wasteful, too expensive and that the so-called DBOM model (the design, build, operate and maintain model), in effect, enshrined private profit at public expense. So, given that we are certain to have more new water infrastructure in the future, we need to make sure that all decisions in relation to planning for that infrastructure, the approval process, and paying for it, is controlled publicly and, as I say, undertaken in the public interest.

One of the more popular pages on my website is my water security page, and that includes some consultants' reports that we have had prepared. Our view is, and has always been, that we want water that does not cost the earth. There are obviously multiple meanings in that phrase. It means environmental sustainability but also making sure that this essential service is provided in an affordable way to all consumers.

A reform bill for water is clearly necessary, given that the legislation this bill repeals is some of the oldest legislation on our statute books. This bill repeals the Sewerage Act 1929, the Water Conservation Act 1936 and the Waterworks Act 1932. I cannot think of any other bill that we have debated in this place that has modernised and repealed such old legislation, particularly in relation to such an important community service.

I know for example that the Waterworks Act 1932, in its application, has led to perverse outcomes that have been bad for the environment. As an environmental lawyer some years ago, I remember dealing with an appeal against a housing development at Coffin Bay. Coffin Bay, as members would know, is reliant entirely for its water supply on limited freshwater lenses down on Lower Eyre Peninsula. What was remarkable in that appeal heard before the Environment, Resources and Development Court was that SA Water took absolutely no responsibility for resolving the issue of where the water would come from for the new houses.

Ultimately, SA Water's response was, 'It's not our problem; it's the minister's problem.' I think in many ways it was a throwback to the old E&WS. They saw themselves as people who built pipes, dug culverts and built pumps and things like that. Someone coming along with an

opportunity to build new pipes and pumps was not to be sneezed at, regardless of the fact that the township was already over-using the limited water supply and that SA Water had to go cap-in-hand to the water minister for additional allowances out of its licence. So, that old Waterworks Act with its concept of water supply districts—once you are in the district you are entitled to as much water, effectively, as you want—I think is the wrong approach. It needs to be modified.

The flip side of the coin is that we have seen property developers who have wanted to build housing developments that do not rely on mains water, and they have had a dickens of a job getting their developments through local councils. Local councils have been very reluctant to approve housing estates that involve massive underground rainwater tanks sufficient to allow the properties to be self-sufficient and yet, because there was not mains water available, councils have been reluctant to approve those developments. We have seen that on Eyre Peninsula, for example.

In relation to sewerage and how we pay for that, certainly there is an argument that the property based sewerage charges are effectively a form of progressive taxation, and the Greens would normally be very much in favour of progressive taxation, but we also need to pay attention to people like Professor Mike Young who have advocated for a more user-pays system. Before members turn up their noses at that idea, you do not need to have a meter on your toilet or on your kitchen sink; there are ways of providing for user-pays charges. You can estimate the use that people make of our sewer network.

Another issue that I think needs to be addressed is about those people who seek to be self-sufficient, either in relation to water in or waste out. I mentioned property developers seeking to build housing developments that are water self-sufficient, but we still have the problem with individuals who can go to great personal expense installing rainwater tanks; if they are on big enough properties, they can install all manner of greywater and even black water disposal systems, yet if they are unfortunate enough to have mains water pipes or sewerage pipes going past their properties, there is no way they can avoid the charges even though they are not using any of those services.

The question would be: why would anyone try to be self-sufficient? Why would they bother investing their own personal resources if they get no recognition for that? Even though not everyone wants to be completely self-sufficient, you do have people who want to be partially self-sufficient. They want the security net of having mains water past their house and are prepared to pay something for that. But at present, I think we have the balance wrong. Too much of the water charge is in relation to the fixed component, not enough in relation to the variable component or the actual usage component.

What I want to do in this contribution is to put on the record some of the concerns that the South Australian Council of Social Service (SACOSS) have raised. They have put in a comprehensive submission to the water reform process, and I think we need to pay attention to what they are saying. The SACOSS submission is very likely to form the basis of a number of amendments that the Greens introduce in committee.

The first thing to say is that in the past the price of water has probably not been a major factor in the cost of living, but that is not the case any more. As water prices go up, we find that water bills are starting to emerge as a major driver of poverty. I think we need to pay attention to the parallels between the regulation of the water market and the regulation of the electricity market. We have now had some years to observe what is happening in relation to energy markets. Certainly, what SACOSS and other welfare groups have learnt from the reform process for electricity is that the idea of using competition (market based or similar regulatory techniques) to protect consumers is inadequate.

Therefore, there are probably four areas where I think reform is needed. They are in relation to better defining what is meant by essential consumption; secondly, better protection for vulnerable tenants in the housing rental market; thirdly, we need stronger hardship provisions to protect those who have difficulty in paying their water bills; fourthly, we need more capacity for end users' involvement in decision-making over water. I will just touch on those briefly.

In relation to essential consumption, as I have said and as all members know, water is an essential element of life and, therefore, a percentage of every household's use of water is essential. Extravagant lawns during the height of summer, swimming pools and other luxury items are not essential but there are some aspects like washing, cooking and drinking that certainly are essential.

This bill does not adequately recognise the difference between discretionary and essential water consumption. I think we need to enshrine that in legislation and I think it will be important for protecting consumers. The water minister in another place, the Hon. Paul Caica, has talked about essential consumption, he has used that phrase in parliament. Effectively, the bill leaves the task of determining what that is to the Essential Services Commission, yet I think this role is better performed by parliament rather than leaving it to ESCOSA.

SACOSS has also talked about the need for what it describes as an essential residential consumption amount and building that into the pricing structure to formally distinguish between essential and discretionary consumption. That is something that we need to look at in some detail when we get to the committee stage. We need to look at a fairer way of pricing water and we also need to look at the issue of concessions.

In relation to tenancies, the legislation needs to better define the relationship between customers and consumers, because these two words are effectively a proxy for landlord and tenant. In most rental agreements water consumption charges are passed onto the tenant. The customer of SA Water is the landlord, but the consumer (the tenant) pays the landlord and then relies on the landlord to pass that amount onto SA Water.

As this legislation is currently drafted, all of the consumer protection provisions are effectively with the customer (the landlord) and not the consumer (the tenant). What happens if you are behind in your rent but you are able to pay your water bill? A landlord could take the money that you have given them for the water bill and use it instead for rent, and then you find yourself behind in relation to your water bill and the consequences that will flow from that. So, we need to explore that in the committee stage.

There is an argument that as water costs rise, SA Water could be issuing two separate bills: it could divide the fixed costs from the consumption costs. The fixed costs, tied to the property and, as I have said, often built into the property rental price anyway, could go to the landlord and the water consumption costs could go directly to the renter.

The third issue that SACOSS has raised relates to hardship provisions. What is lacking in this bill is any kind of consumer impact statement. SACOSS argues in its submission that the hardship provisions in this bill are, effectively, underdone. The reason for that is because the low water price has meant that it has not been an issue, and yet, despite rising water prices, the government has not seen fit to incorporate it into this update of our water laws. There are reasonable hardship provisions in our existing energy laws and we could learn from those and the experience of their application and import some of those protections into the new water regime.

The final issue that SACOSS has raised is that it believes there should be more capacity for end user involvement in decision-making over water. SACOSS points out that there is little to no capacity for consumer participation in decision-making. It points out that there are opportunities—and, yes, readers of the public notices of a newspaper or the *Government Gazette* might find opportunities—but no real capacity to engage.

Again, if we look at the experience of energy reforms we find that the market mechanisms are actually improved if consumers are able to participate in the process. You do get better outcomes. You get better policy. You get better regulation and better outcomes overall. Nationally, there is some $2 million to $3 million being spent on consumer panels, and that, to put it into context, is in relation to a $30 billion energy market. In this bill, consumers are not strongly represented, and we need to redress that. The relevant organisations, groups such as SACOSS, need to be resourced to engage in advocacy on behalf of the people they represent, and particularly in South Australia that means low income people.

I will finish where I started; that is, to raise some concerns about the effect that this bill could have as a precursor to privatising parts of the water industry, in particular the retail arm of SA Water. There is no doubt that there is considerable pressure on government to go down that path. What we need to ask ourselves is, if the government is going to flirt with that idea, do we have in place the regulatory framework that is tight around consumer protection and around third party access? At the end of the day, as I said before, the consumer, the taxpayer, always pays.

So, we need more information, for example, about the desalination plant: how expensive it is and what would be a fair split of costs with that infrastructure between government and consumers. We know that in relation to the desal plant the take or pay clause is critical. The idea that consumers have to pay for water that they don't need—and it goes beyond simply maintenance retainers—means these contracts actually let the community down and are

counterproductive to water conservation because we are required to pay, whether or not we need the water.

In conclusion, the reform process is timely. Some of the oldest statutes on the South Australian statute book are being repealed and modernised, but we must make sure that every aspect of this legislation does the right thing by the people of South Australia and the right thing by our environment and that we make sure consumers are fully protected, because ultimately they will be the ones picking up all of the tab.

The Hon. I.K. HUNTER (Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (11:36): I rise to conclude the debate. I reiterate that the Water Industry Bill is imperative if we are to bring the management of the water industry into the 21st century. As the Hon. Mr Parnell commented in his contribution, we are repealing acts, some of which are as old as 80 years. The bill will promote efficiency, competition and innovation, and critically the bill will provide transparency in setting water prices and will protect the interests of consumers.

I thank the Hon. Mr Brokenshire, the Hon. Mr Parnell and the Leader of the Opposition for their contributions in this debate. I acknowledge their comments and the questions they have put on the record, and I will come back with the government's response to those questions at clause 1 when we come to consider the committee stage early next year. I commend the bill to the house.

Bill read a second time.

CORRECTIONAL SERVICES (MISCELLANEOUS) AMENDMENT BILL

In committee.

(Continued from 23 November 2011.)

Clause 21.

The Hon. S.G. WADE: When the committee was last considering this matter, the government highlighted some problems with the practical implementation of the opposition amendment. We thank the government for the briefing that we have had on that matter since. We are considering the implications of the government advice, and I understand that the minister would be agreeable to progressing beyond this clause and recommitting, if necessary, later in the process. I presume that means I would withdraw the amendment at this stage and seek a commitment from the minister to give an undertaking to recommit if that is desired.

The Hon. G.E. GAGO: The government understands that there is some work yet to be progressed on this particular clause, and we are happy to give the opposition some additional time to deal with that to see if that cannot be resolved in a way that we can come to agreement on. Obviously, we are keen to progress this matter and have this completed and back to the other house as early tomorrow as possible, and I know the Hon. Stephen Wade understands those time commitments and has agreed to work within those as best he possibly can. In light of that, the government gives a commitment to recommit this clause at the end of the committee stage.

The Hon. S.G. WADE: On that basis, I seek leave to withdraw the amendment standing in my name.

Leave granted; amendment withdrawn.

The Hon. S.G. WADE: If I could ask some questions completely unrelated to the amendment but still on clause 21. The Aboriginal Legal Rights Movement has raised concerns that the identification procedures proposed in this clause may stop some Aboriginal people being able to visit relatives in prison due to the lower prevalence of mainstream identification documentation amongst these communities. I ask the minister: what provisions are there to ensure that any identification requirements imposed by the CE have regard to cultural sensitivities and do not, even inadvertently, discriminate against certain communities?

The Hon. G.E. GAGO: I have been advised that I can assure the honourable member that there are safeguards within the bill that allow a certain degree of discretion by the Chief Executive to approve visits and that would allow them to take into consideration those circumstances where, for some people, ID information simply might not be available. So, there is a degree of discretion to assist.

The Hon. S.G. WADE: I certainly recognise the flexibility in the bill, but flexibility might be, shall we say, convenient to administrators but provide no assurance to Aboriginal people who are

trying to visit. Perhaps we can unpack this slightly by my asking some further questions. Will the standards for identification be laid down formally and, shall we say, generally, or are we simply going to rely on the CE to have the discretion to set and apply requirements on a case-by-case basis?

The Hon. G.E. GAGO: I am informed that the ID requirements will be outlined in a standard operating procedure, and that the chief executive will have powers of discretion outside that.

The Hon. S.G. WADE: Do I take it from the minister's answer that that information would be available to members of the Aboriginal or other cultural communities?

The Hon. G.E. GAGO: I am advised that, when they are actually booking visits, visitors are advised of those ID standard operating procedures and the sorts of requirements that are in place.

The Hon. S.G. WADE: Could I make clear that my next question does not just relate to people from the Aboriginal community or any other cultural communities but applies to all the people who are, through this bill, having higher bars put on their visits under clause 21(5). Could the minister advise what avenues of appeal would be available to visitors who are refused access under one or more of these provisions?

The Hon. G.E. GAGO: I have been advised that there are no formal internal processes to review those decisions made by the chief executive or any decisions that are delegated to officers. However, I am advised that, for instance, on the day a visitor might challenge a particular position, officers will listen to that and take it into consideration. As I said, there are powers of discretion they can apply after listening to a particular point of view. However, ultimately, if the chief executive's decision is appealed against, a visitor could take the formal action of a judicial review. Although that is obviously highly unlikely, that is technically a process that would be available to them.

The Hon. S.G. WADE: By way of tedious detail, is it normal that, when a power is delegated, the person who delegates it can still exercise it? So, if you like, there is almost an implicit appeal provision there that if a prison manager exercised the right to say, 'No, don't come', the CE could then say, nonetheless, 'Come'?

The Hon. G.E. GAGO: I have been advised that, yes, that would be the case. The ultimate power to make the decision rests with the chief executive.

The Hon. S.G. WADE: I have no further questions on this clause.

Clause passed.

Clause 22.

The Hon. S.G. WADE: I move:

Page 10, line 28 [clause 22, inserted section 35A(2)]—Delete 'at' and substitute 'before'

The bill proposes to provide formal powers to the chief executive to monitor the communications of prisoners except where it is between the prisoner and their legal representative, the Ombudsman, a community complaints commissioner and so on. The chief executive may authorise any monitoring in advance. Any information that is intercepted that reveals information about an offence must be referred to the police commissioner.

The bill defines communication as speech, music or other sounds, data, text, visual images, and signals, or any combination of the above. In his second reading speech the minister indicates that such monitoring already occurs, but to prevent challenges it is proposed to enshrine it in legislation.

The Law Society has recommended the amendment that I move to make clear that prisoners whose communication is being monitored should be notified in advance which, as I stress, we understand is the minister's stated intention. It is the view of the society and of the opposition that parties should be notified prior to a communication, not during it, that their communication will be monitored. The amendment replaces the word 'at' with 'before' and it also avoids conflict with the Telecommunications (Interception and Access) Act 1979.

The Hon. G.E. GAGO: The government rises to oppose this amendment, which seeks to alter the drafted wording of the proposed new section 35A which provides for the monitoring and

recording of prisoner communication. The change to the wording does not alter the intention of the proposal. We simply believe it is completely unnecessary and, therefore, we are not supporting it.

The Hon. S.G. WADE: I must admit that I do not take kindly to arguments about it not being necessary. It may well not be necessary, but if it does not actually change the import, it certainly seems to me to be clearer. It certainly seems, in the view of an eminent legal body in the state, that it will be clearer to their members, and they are the members that are likely to be using it. I am inclined to persist with the amendment because, if it does no harm, from the Law Society's point of view, it will do some good.

The Hon. J.A. DARLEY: I will not be supporting this amendment.

Amendment negatived.

The Hon. S.G. WADE: I propose to ask a question at this point. I seek clarification, in relation to the range of bodies that are mentioned in subclause (3), as to whether staff of all of those bodies would be covered by the privilege.

The Hon. G.E. GAGO: I have been advised that it depends on which body the person belongs to. For example, in relation to the Ombudsman's office, staff there would be privileged. In relation to the other bodies, I have been advised that the answer is no. For instance, a legal practitioner who might be monitoring a call, they are obviously privileged; however, if they got their PA to make the call, they would not be privileged.

The Hon. S.G. WADE: In that context, could I clarify that the staff of a member of parliament, acting on their behalf, would be vulnerable to having a call monitored or recorded?

The Hon. G.E. GAGO: I am advised yes.

The Hon. S.G. WADE: Could I clarify whether submissions to a parliamentary committee would be monitored or recorded?

The Hon. G.E. GAGO: If they are read out over a telephone?

The Hon. S.G. WADE: We are talking about the written word as well, aren't we?

The Hon. G.E. GAGO: No, only recorded messages—say, on a telephone—so, you could record a submission.

The Hon. S.G. WADE: Again, I might need assistance, but my understanding is that the bill defines communication as speech, music or other sounds, data, text, visual images, signals, or any combination of the above. I presume text is an email?

The Hon. G.E. GAGO: I am advised that prisoners do not have emails.

The Hon. S.G. WADE: I can assure you that they have notepads. Some of our most reliable customers are prisoners.

The Hon. G.E. GAGO: The question you are asking is, say, if there was a text—

The Hon. S.G. WADE: I accept the advice of the advisors that prisoners do not have access to electronic data communication, but let's go back to the traditional form. As I understand it, if a prisoner is writing a letter to a member of parliament, it is privileged, for want of a better word. What if they were writing a submission to a parliamentary committee in the same format?

The Hon. G.E. GAGO: I am advised that that is not covered by this section and that this section of the bill does not seek to change those arrangements the honourable member has just referred to, such as a prisoner writing to a select committee on a particular matter.

The Hon. S.G. WADE: Is that matter covered in the Correctional Services Act 1982 and, if so, where?

The Hon. G.E. GAGO: I am advised yes: it comes under prison mail, and we think it is section 33.

The Hon. S.G. WADE: Yes, it is 33; thanks for that.

The CHAIR: Does the Hon. Mr Wade intend to move that amendment?

The Hon. S.G. WADE: I am probably becoming disorderly, but section 33 does not refer to parliamentary committees and, being a member of the correctional services committee, I fear—

The Hon. G.E. GAGO: But it does refer to members of parliament, which—

The Hon. S.G. WADE: It has privilege, anyway.

The CHAIR: A parliamentary committee has privilege.

The Hon. S.G. WADE: Thank you, Mr Chair, for your assistance. As you suggested, I move:

Page 10, line 32 [clause 22, inserted section 35A(3)(a)]—Delete 'who represents the prisoner' and substitute:

acting in his or her professional capacity

Again, this is an amendment prompted by the Law Society. If I may, I will read from a letter the Law Society wrote to me. The letter states:

The prohibition against monitoring conversations between a legal practitioner and a prisoner does not cover all scenarios in which conversations may occur. As presently drafted, it only applies to a legal practitioner 'who represents' the prisoner. Legal practitioners will often speak to prisoners prior to receiving instructions to act. Most of these conversations could be with a view to determining whether the practitioner will act or for the provision of legal advice.

We recommend an amendment that extends the prohibition to all communications with a legal practitioner acting in that capacity.

The Hon. G.E. GAGO: The government rises to oppose this amendment. The bill is drafted to exempt a legal practitioner who represents the prisoner. The member seeks to change the wording, but it does not alter the intention of the proposal and is therefore not supported. The bill as drafted provides for an appropriate exemption for legal representatives, allowing communication between that person and the prisoner to not be monitored or recorded. So, that exists.

The proposed wording may have unintended consequences as a legal practitioner may be 'acting in their professional capacity' while representing a third party carrying out a reasonable direction from a senior member of their practice or otherwise conducting professional activities that are not at the behest or for the benefit of the prisoner with whom they are meeting. The stipulation that a legal practitioner must be representing the prisoner provides for a reasonable, verifiable and administratively efficient means to determine that communications should not be monitored. We therefore do not support this amendment.

The Hon. S.G. WADE: I take the minister's point that it may capture people it is not intended to capture. I wonder whether the wording 'a legal practitioner who represents the prisoner or who is in discussions to represent the prisoner' might be better. I think the Law Society makes a valid point; that is, that we should not put prisoners in jeopardy when they are in the process of trying to engage legal representation. We want prisoners to cooperate with authorities, and one of the best way in which to do that is to make sure they get legal advice at the earliest opportunity and with some surety. If the lawyer's union is telling us that they feel vulnerable in this situation, I do not want prisoners not being given the best legal advice they can receive, so that we can get on with the job of dealing with their offence.

The Hon. G.E. GAGO: We believe that the current provisions do allow for prisoners to be able to get the best legal advice possible. However, what the honourable member's amendment proposes to do is to broaden that and could bring in the possibility of these professional activities being conducted in a way which could be, in fact, not at the behest or benefit of the prisoner, and there are no checks or balances in place to avoid that or prevent that from happening. Unfortunately the line has to be drawn somewhere, and we believe that the line needs to be drawn in a place where the best interests of prisoners are upheld but that is also transparent, reasonable, verifiable and administratively efficient and proper.

The Hon. S.G. WADE: I apologise if I have not made myself clear that I do accept the minister's advice that the current amendment may well be drafted too widely, but I persist in my view that the government's clause in the bill is drawn too narrowly. I intend to persist with my amendment so that, hopefully, I can get an indication from the council that it agrees with me on that; that even if both options are not acceptable we need to find the middle point. We can recommit this clause with the other ones, but let me stress that I do not dispute the government's concern about the breadth of my amendment. As they explained it, it could bring in legal practitioners working for other prisoners and so forth. But on the plain reading of this bill I still see

the common sense that the Law Society has flagged, and I believe this council should support lawyers trying to provide proper legal representation for prisoners.

The Hon. G.E. GAGO: I want to stress again that this provision does not prevent those discussions from taking place. I remind honourable members that this provision only goes to calls that are monitored. It does not in any way restrict discussions that a legal representative may have with the prisoner; they can go ahead. We are only talking about those calls that are monitored. Again, we believe that the restrictions we are putting in place are fair, transparent and verifiable, and will keep everything aboveboard. These provisions are limited only to calls that are monitored, not legal discussions.

The Hon. S.G. WADE: I am baffled as to why the minister thinks that a call may not involve legal discussions. I assert that there is no reason to think that a telephone call might not involve legal discussions. It might be fundamental to a lawyer deciding whether or not it is worth the effort to go to the prison to actually take on representation. I urge the council to accede to the request of the Law Society and ensure that the total process, if you like, of the engagement of legal representation is respected.

The Hon. D.G.E. HOOD: The minister used the term 'calls are monitored'. Can the minister explain that? What does that mean? What calls are monitored?

The Hon. G.E. GAGO: I am advised that all calls made by prisoners are monitored except calls to legal representatives and the bodies listed in the bill. The Hon. Stephen Wade's amendment seeks to broaden that definition of legal representative; that could include other people. We are saying no, that the only people who can be exempt are legal representatives and those who represent the prisoner.

The Hon. S.G. WADE: I think the more the minister talks the more I actually feel comfortable with my original amendment, if we are talking about monitoring telecommunications. We are not talking about mail, we are not talking about a lawyer bumping into someone as they go to and fro to deal with another prisoner. The risk of incidental third-party contact seems to be relatively low. I think the Law Society's amendment is looking better and better.

The Hon. T.A. FRANKS: I indicate that the Greens have sympathy for Wade No. 4. We think the Law Society has raised a quite valid concern. The minister does have a point that it may capture those not intended to in terms of legal representatives who may not actually be acting at the behest or in the interests of the particular prisoner concerned, and I think the definition here needs to include those representatives that the prisoner is seeking to be represented by.

The Hon. D.G.E. HOOD: Family First does not support the amendment.

The committee divided on the amendment:

AYES (11)

Bressington, A.	Dawkins, J.S.L.	Franks, T.A.
Lee, J.S.	Lensink, J.M.A.	Lucas, R.I.
Parnell, M.	Ridgway, D.W.	Stephens, T.J.
Vincent, K.L.	Wade, S.G. (teller)	

NOES (10)

Brokenshire, R.L.	Darley, J.A.	Finnigan, B.V.
Gago, G.E. (teller)	Gazzola, J.M.	Hood, D.G.E.
Hunter, I.K.	Kandelaars, G.A.	Wortley, R.P.
Zollo, C.		

Majority of 1 for the ayes.

Amendment thus carried; clause as amended passed.

Clauses 23 to 39 passed.

Clause 40.

The Hon. G.E. GAGO: I move:

Page 15—

Lines 6 and 7 [clause 40, inserted paragraph (aa)]—Delete:

(the prisoner having been released on parole following application by the prisoner to the Board)

After line 7—After its present contents (now to be designated as subclause (1)) insert:

(2) Section 66(2)—after paragraph (ac) insert:

(ad) a prisoner who has been returned to prison under section 74 for breach of a parole condition; or

I thank honourable members for supporting improvements to parole arrangements. I note that many members have been willing to listen and, in some cases, change their position as we have considered and worked through these very important matters. The government certainly appreciates that.

This amendment significantly strengthens the original government amendment, as it ensures that every parolee who has reoffended whilst on parole will have to apply to the Parole Board for further release to parole, regardless of new sentence length and regardless of whether they applied for parole previously or not. The Presiding Member of the Parole Board wants this and so does the government. In addition, the second part of this amendment will also make sure that parolees who have breached a condition of their parole order and are returned to custody by the Parole Board will not be entitled to automatic parole. They will have to apply for release to parole or serve the entire remaining sentence.

These amendments will ensure every parolee who continues to breach their parole by not complying with conditions set, or by reoffending while on parole, will have to satisfy the board they are ready to go back to the community for a further period of parole. Parole is a privilege, not a right, especially for these types of offences. Repeat offenders and those who continually breach or reoffend while on parole do not deserve to be released without the board's approval. These amendments make absolutely sure that they all must have that approval prior to further release on parole. If they do not apply or are refused parole by the Parole Board, they will serve their entire sentence in prison.

On 23 November 2011, a Victorian man was sentenced to 35 years for murder and torture offences committed whilst on parole. We may not be able to prevent every tragic offence of this type, but this amendment will ensure that we use every resource at our disposal to keep our community safe.

The Hon. S.G. WADE: The minister's remarks, as I understood it, addressed amendments Nos 1 and 2. Can I clarify whether both amendments have been moved?

The Hon. G.E. GAGO: My understanding was that they were both moved.

The Hon. S.G. WADE: I am happy to recognise that both amendments have been moved. I indicate that, on behalf of the opposition, we support both amendments.

The Hon. D.G.E. HOOD: Very briefly, for the record, Family First moved a similar amendment to this one some two or three years ago, or perhaps even three or four years ago now. We were disappointed that it did not pass the chamber at that time. The government did oppose it. However, we are pleased to see that the government has brought forward a very similar amendment on this occasion and we support it.

The Hon. A. BRESSINGTON: I indicate that I will support the amendment as well.

The Hon. T.A. FRANKS: The Greens will also support the amendment.

Amendments carried; clause as amended passed.

Clause 41.

The Hon. S.G. WADE: I move:

Page 15, lines 12 and 13 [clause 41(2)]—Delete subclause (2)

The bill proposes that the chief executive of the department, rather than the community corrections officers, provide the Parole Board with reports on a prisoner's fitness to be released, to vary or revoke parole conditions, to discharge a parolee or to cancel parole. The government argues that these changes would allow the chief executive to take a longer-term consideration of a prisoner or

parolee's case where a prisoner or parolee has had multiple community corrections officers supervising them.

The Parole Board is opposed to the change on the basis that a community corrections officer is in a better position to prepare a report about a prisoner or parolee. In that context, it is not beyond the wit of the Parole Board to notice that a particular community corrections officer has only recently taken on the case and to consider other information.

The opposition understands that the Chief Executive is already able to make submissions to the Parole Board parallel to other submissions but we do not support making the CE the broker of information coming to the Parole Board. In that regard we need to remember the structure of parole in the Australian jurisdiction. In other jurisdictions, particularly overseas, there is a more distinct parole and probation service such that the relevant Department for Correctional Services officers are not involved in the process, but that is not the context here.

We are concerned that interposing the CE in the process, making the CE the broker of information could raise questions of manipulation of information from an officer. It undermines the dual nature of the information: the information being provided to the Parole Board about a person's readiness for a community parole placement is very different to the information that the head of the Department for Correctional Services needs to know in terms of managing the prison.

We need to be clear that the person we are talking about here has a close relationship with the minister, who is the political head of the portfolio. We believe that we should maintain the current separation or, if you like, dual reporting responsibilities of Community Corrections Officers.

The Hon. G.E. GAGO: The government rises to oppose this amendment. The bill was drafted to consistently amend the sections of the act to enable the Parole Board to receive reports from the Chief Executive. The Chief Executive or the most appropriate delegate can then appropriately prepare the reports for the Parole Board. It is entirely intended to formally delegate to the appropriate officers whilst providing for accountability at the highest level and ensuring the flexibility to include information from other staff or sources that will support the provision of the most accurate, relevant and timely advice to the Parole Board. For consistency, the reference should be read as drafted and, therefore, the member's amendment is not supported.

The Hon. T.A. FRANKS: I indicate that the Greens will not be supporting this amendment. We are comfortable with the delegation to the CE. We believe that the onus will be on the department to ensure that that is undertaken professionally and appropriately. We do have concerns about the separation between the minister and the Executive Council and parole, but that is not necessarily relevant to this particular discussion.

The Hon. S.G. WADE: I also remind the council that earlier in the debate we had particularly Family First members of this chamber expressing concern about centralisation. This is classic centralisation because, in relation to the delegations, we have the assurance from the government that there is no intention to shift the balance. Well, this is very clearly shifting the balance. This is interposing in a relationship that currently does not have a bureaucrat—I suppose they are bureaucrats, both the Community Corrections Officer and the CE. However, Community Corrections Officers know that when they are giving a report to the Parole Board their duty is to the Parole Board's mandate not to the Department for Correctional Services mandate.

I strongly disagree with the Greens' position. I accept it; I accept that they have put it on the record but this, to me, seems to be significantly shifting away from a rehabilitation focus—which is the focus of parole and community corrections work—towards an incarceration approach. I certainly warn members who have any concerns about centralisation that this is not just a hint or a possibility of centralisation, it is a massive shift towards centralisation.

The Hon. A. BRESSINGTON: I indicate that I will be supporting the amendment.

The Hon. D.G.E. HOOD: Family First will not be supporting it.

The Hon. J.A. DARLEY: I will not be supporting it.

The Hon. K.L. VINCENT: I am very happy to support this amendment.

The committee divided on the amendment:

AYES (9)

Bressington, A.	Dawkins, J.S.L.	Lee, J.S.

AYES (9)

Lensink, J.M.A.	Lucas, R.I.	Ridgway, D.W.
Stephens, T.J.	Vincent, K.L.	Wade, S.G. (teller)

NOES (12)

Brokenshire, R.L.	Darley, J.A.	Finnigan, B.V.
Franks, T.A.	Gago, G.E. (teller)	Gazzola, J.M.
Hood, D.G.E.	Hunter, I.K.	Kandelaars, G.A.
Parnell, M.	Wortley, R.P.	Zollo, C.

Majority of 3 for the noes.

Amendment thus negatived.

The Hon. A. BRESSINGTON: I move:

Page 15, after line 13—After subclause (2) insert:

(3) Section 67(5) to (7)—delete subsections (5) to (7) (inclusive) and substitute:

(5) The Board may, on an application under this section, order that a prisoner be released from prison on parole.

(6) An order under subsection (5) must specify—

(a) the day on which the prisoner is to be released from prison on parole; and

(b) in the case of a prisoner who is serving a sentence of life imprisonment—the period for which the prisoner is to continue on parole, being a period of not less than 3 years or more than 10 years.

(4) Section 67(8)—delete 'or the Governor'

As I detailed in my second reading contribution, this amendment seeks to remove the role of the Executive Council in determining parole applications of inmates serving life imprisonment and make sure parole applications are determined solely by our independent Parole Board. As each amendment in this set is conditional, if not consequential, on the other, this amendment can stand as a test for all my Bressington [4] amendments.

South Australia is the only Australian jurisdiction that has retained the executive's right to veto a parole application. Whilst other state jurisdictions have historically had such powers, all have removed them from their statute book when establishing independent parole boards. Presumably, they recognise that to continue such power undermines their parole board's independence, the confidence of the citizens in the parole system, and that most fundamental principle of the separation of powers. It is time we did the same.

Prior to 2002, no South Australian government had ever exercised the power, but this Labor government soon saw the opportunity to beat its law and order chest, as I have detailed, and now fewer than 50 per cent of parole applications by lifers are successful. I commend this amendment to the house.

The Hon. S.G. WADE: As the honourable member has outlined, this clause relates to Executive Council's oversight of parole for life prisoners. Prisoners sentenced to life imprisonment apply for parole, as do other prisoners; however, unlike other prisoners, parole for prisoners serving a life sentence must be endorsed by Executive Council (cabinet sitting formally as advisers to the Governor, with the Governor in the chair).

As the member has indicated, prior to 2002 I understand that no government has exercised the power to deny parole to an inmate. I think that is significant. We have had governments of both persuasions over many years, and no government has exercised this power. Reportedly, since 2002 the Rann Labor government has refused to approve more than 50 per cent of otherwise eligible parolees granted parole.

We believe the government's lack of consistency in parole decisions, and failure to give reasons, undermines the parole system. It leaves the prisoner in the dark as to what they need to do to be released and undermines the incentives for prisoners serving a life sentence to address

their offending behaviour. It wastes the time and resources of the Parole Board and undermines safety in the prison environment. It makes the release of prisoners serving a life sentence a political issue, rather than a matter of public safety, and thereby undermines community confidence in the objectivity of the criminal justice system.

The honourable member's response to that is to remove that discretion altogether, in the sense that the Executive Council decision would be reviewable—and this is, as she said, part of a set. We believe that this discretionary power has been abused by this government, but we believe that the fact that one government abuses a power that governments over many years have not abused is not the basis for withdrawing that discretion.

The opposition is very concerned about the abuse of Executive Council discretion. We oppose the politicisation of the parole process by the Rann Labor government; however, we are not inclined to remove Executive Council from the process. It is conceivable that some confidential information beyond that which is available to the Parole Board may justify any ongoing detention of a person otherwise suitable for parole, and we do believe that it is appropriate that the Parole Board responds to requests.

As it has previously come up in debate—I think it was in the second reading stage—it is not that Parole Board decisions are beyond questioning. A number of people have conveyed to me their understanding that Executive Council and cabinet have often asked questions of the Parole Board, held them accountable, and ensured quality assurance.

We believe it is desirable to respond to the abuse of this power by this government, to introduce a requirement for reasons—and I will be moving an amendment in that ilk later—but we do not believe that just because this government has abused the power it should therefore be abolished. I move:

Page 15, after line 13—after subclause (2) insert:

(3) Section 67—after subsection (7) insert:

(7a) The Governor must, not more than 30 days after refusing to order that a prisoner be released from prison on parole, notify the prisoner in writing of—

(a) the refusal; and

(b) the reasons for the refusal; and

(c) any matters that might assist the prisoner in making any further application for parole.

(7b) Despite subsection (7a)(b) and (c), the Governor is not required to disclose to the prisoner any reason or matter if any such disclosure is likely to give rise to a significant risk to public safety.

The Hon. G.E. GAGO: The government opposes the amendment of the Hon. Ann Bressington. To save time, I think the Hon. Stephen Wade has outlined the reasons for our opposition well, so I do not need to repeat those. It is for those same reasons that we oppose it.

The government also opposes the amendment of the Hon. Stephen Wade. This amendment seeks to compel the Governor in Executive Council to advise the prisoner of reasons for the refusal and provide any further information that might assist the prisoner in making a further application to parole.

The Governor should not have to disclose reasons nor provide further information about a decision reached. As an opposition member pointed out in another place, the Chief Justice in a case of refused parole acknowledged that it was never intended that the Executive Council would give reasons, which is, in fact, the model now being proposed.

The Hon. A. BRESSINGTON: I would just like to remind members in this place that this particular amendment was requested by the head of the Parole Board herself, Frances Nelson QC. I discussed this in a meeting with Chief Executive of Corrections, Peter Severin, who admitted that we have a catch 22 situation for life prisoners. Many lifers are not being moved into prerelease programs or resocialisation programs because Corrections are basically pre-empting the decision that will be made by executive government, and that is not to grant parole.

I do not accept the arguments that the Hon. Stephen Wade used not to support this amendment. He talked about not wanting centralised power—here we have it. We have a parole board; we have a judiciary. The judiciary lays down the sentence. The Parole Board is there to make judgements on a person's fitness. This, in no way, removes any power of the government to

oppose or to appeal the decision of the Parole Board. If the government feels strongly about it, it can do that through a judicial process, which, I believe, is real openness and transparency of these decision-making powers that, right now, are all under the carpet and behind closed doors and nobody ever knows.

I know that people who have a life sentence do not have much sympathy out there, but we have some people in there who have done eight years over their sentence and still do not know when they are going to be released, if ever. If that is the case, why do we not just do away with the judiciary being able to put sentences on prisoners and let the government do it all?

The Hon. T.A. FRANKS: I indicate the Greens will be supporting the amendment in the name of the Hon. Ann Bressington. We think she has put a very valid point before this place for debate. In the opinion of the Greens, there should not be a role for Executive Council in the way that currently exists. The fact that it was not used prior to 2002, and that it has been used since, is obviously to the disgrace of one particular government; however, let us not forget that the opportunity being there will, no doubt, always ensure that, in the current political climate, there will be the temptation to politically point score out of these particular situations.

I draw members' attention to the advertisements that were run in the last election campaign saying that Redmond would release certain prisoners. We know that this is a government famed for the rack 'em, stack 'em and pack 'em language. We are becoming more and more familiar with the law and order rhetoric and playing politics with prisoners in this state. I think the old slippery slope comes to mind.

Certainly, we acknowledge that there is not support for the Hon. Ann Bressington's amendment. Despite the Greens supporting it, the numbers will not be here today, so we are open to the further amendments made by the Hon. Stephen Wade. With those few words, I commend the amendment.

The Hon. D.G.E. HOOD: Obviously the Hon. Ms Bressington's amendment will be defeated as the government and the opposition are opposing it, but I would like to ask a question of the Hon. Stephen Wade regarding his amendment. I am somewhat attracted to it, but I want to be exactly sure what we are voting for. What does the member envisage the format would take and can he point to other jurisdictions that require reasons to be published by government in the cases where they decide to intervene?

The Hon. A. Bressington: Other jurisdictions don't have this power.

The Hon. D.G.E. HOOD: That is other Australian jurisdictions. What about any other jurisdictions?

The Hon. S.G. WADE: As the Hon. Ann Bressington interjected, other Australian jurisdictions do not have this power. I am not aware of jurisdictions beyond Australia that have this power.

The Hon. A. Bressington: South Australia; jurisdictions beyond South Australia that have this power.

The Hon. S.G. WADE: Yes. The Hon. Ann Bressington and I are both of the understanding that South Australia is unique in having this provision. Therefore, if this bolt-on was put, it would be a unique bolt-on as well.

The Hon. A. BRESSINGTON: I still do not understand what the Hon. Stephen Wade believes is going to be achieved by his amendment. It is going to be very easy for the written explanation to be 'this prisoner is seen to be a risk to the public', full stop—no reason given. It is not really going to achieve anything at all.

The Hon. S.G. WADE: If I may, I might give more flesh to my amendment. We have indicated our significant disquiet about the abuse of this power by this government. I thought that the Hon. Tammy Franks was going to use the word 'shame' for this government. I think it is.

The Hon. T.A. Franks: Didn't I use that word?

The Hon. S.G. WADE: Did you? Anyway, I think it would be a good word to use, because I—

The Hon. T.A. Franks: Disgrace.

The Hon. S.G. WADE: Disgrace or shame; whatever it is, I cannot imagine someone like Len King or Don Dunstan calling this government a Labor government after the way it has behaved on law and order.

The CHAIR: That is not discussing your amendment.

The Hon. S.G. WADE: Well, I think it actually does highlight the point that an executive power needs to be seen in a political context. In that regard, we believe that, in a return to a responsible government—in the broader sense of the word—the responsible government would see no reason to exercise the Executive Council power prior to 2002—

Members interjecting:

The Hon. S.G. WADE: I am not sure whether the minister is raising a point of order or merely just trying to talk me down, but I will persist—

Members interjecting:

The CHAIR: Order! It is getting close to too long.

The Hon. S.G. WADE: Sorry, Mr Chairman, I have only just started explaining, and I do not believe that the explanation of my amendment is time limited. We believe—

The CHAIR: Order! I would not push questioning the chair if I were you. I would get on with explaining your amendment. That is what you were asked to do.

The Hon. S.G. WADE: The amendment standing in my name—

The CHAIR: You have already moved it.

The Hon. S.G. WADE: I am not trying to move it again. I am actually trying to explain it. What I am trying to explain is that it would not be necessary if this government had persisted in the practice prior to 2002. I fully understand the frustration that the Hon. Ann Bressington and the Hon. Tammy Franks have highlighted and I believe that, in my remarks, I have also identified with them. I think it is shameful the way this Labor government has abused the Executive Council power that was used appropriately up until 2002.

We believe that just because a government has abused a power does not mean that future governments should not have access to it. We look forward to the day when a responsible government is elected to the benches in this state and we can return to a more orderly use of what I would describe as a reserve power.

What my amendment—and I should say the opposition's amendment—seeks to do is put an onus on the government to notify the prisoner in writing within 30 days of a refusal the reasons for the refusal and any matters that might assist the prisoner in making any further application for parole.

The Hon. Ann Bressington, particularly through the media, highlighted a case where the judge himself had cause to write to the then minister and highlight the huge injustice. The Parole Board chair could not see any significant difference between the two prisoners: one who was released on parole and one who was not.

The Hon. A. Bressington: Judge Debelle.

The Hon. S.G. WADE: It was Judge Debelle who wrote to complain, but I think it was the Parole Board chair in the *Today Tonight* program who said that she did know of any reason—

The CHAIR: The Hon. Mr Wade should direct his remarks through the chair and not to Ms Bressington.

The Hon. S.G. WADE: I was, Mr Chair; my point being that Justice Debelle in relation to a case, I think in the early 2000s, while this government was in power—I am not sure about the timing.

The Hon. A. Bressington interjecting:

The Hon. S.G. WADE: Yes, it was the Hay and Webb case. Justice Debelle had cause to write to a minister and express his concern. That is extraordinary that a member of the bench should be so concerned about the exercise of executive power that they write to the minister. Frances Nelson , the current chair of the Parole Board, as I understand it in a recent *Today Tonight* program, said in that case she could see no significant difference between the two exercises of

power. The opposition shares the crossbench concern about this government's use of the power. We do not believe that future governments should be assumed to act as irresponsibly as this government has, but we do believe that there would be a benefit from enhancing the accountability. After all, the Hon. Ann Bressington is right—the government could do a shorthand statement, simply that it is not in the public interest or—

The Hon. A. Bressington: And welcome.

The Hon. S.G. WADE: Well, I would hope that if a government does feel in the future it is necessary to exercise the reserved discretion—as we have said, we are not aware of a case before 2002—they would have sufficient respect for the public to give a credible response. In the context of the security environment that Australia faces, it may be that the statement is relatively bald, and the government will have to handle the public consequences of that statement, but it may well be that in the context of accountability the statement is actually very useful to the prisoner. In this context I am reminded of a statement by Chief Justice Doyle in the Watson case. This might have been the section that the minister is referring to. He said:

> As things stand, Mr Watson has no idea why the Governor has refused to release him on parole, and he is left contemplating a blank wall.

It may well be that the government is taking a different view to the Parole Board in how best this person can be rehabilitated, how best public safety can be managed, but if it is a matter the prisoner can address, why not engage them? Why not give them guidance as to what they can do to make it more likely that their parole recommendation will be supported? It might also be appropriate at this point to address the furphy launched by the minister in another place where he asserted that the—

The CHAIR: I think you should stick to your amendment.

The Hon. S.G. WADE: This is actually directly relating to the minister's objections in the other place to the amendment, so it is directly on point. The minister in the other place said that to give reasons would open the door to judicial review or words to that effect. The advice I have is that this decision is already open to judicial review. After all, the fact that Chief Justice Doyle was even discussing the issue in the Watson case in the Supreme Court suggests that it is. What Chief Justice Doyle was highlighting in the Watson case is not that it is not subject to judicial review, but he was highlighting the practical difficulties with undertaking judicial review in the context of cabinet solidarity, collective decision-making and so forth. We do not believe that these reasons increase the scope for judicial review. Whilst I appreciate that some members would be more comfortable if the power was removed with an appeal provision, as the Hon. Ann Bressington has foreshadowed, the opposition is not comfortable with that approach and suggests a modified approach by way of giving reasons.

The Hon. D.G.E. HOOD: In light of the defeat of the Hon. Ms Bressington's amendment, we are focused on the Hon. Mr Wade's amendment. In reading his amendment carefully, he simply asks that once a prisoner has been refused an application for parole, within 30 days, for the prisoner to receive in writing the reason for the refusal—first of all confirming the refusal, which I think is not unreasonable as it is not unreasonable for someone to be told that something is or is not going to happen, and secondly, the reasons for that.

Again, it is hard to understand why that is unreasonable. Surely, somebody who is seeking to achieve a particular outcome should be given the reasons why it is being denied and then how they might go about achieving it in the future. I do not think anyone would ever accuse Family First of being soft on crime, but that is, I think, not an unreasonable requirement. I think even more so because if you look at (7b) of the amendment, it states:

> ...the Governor—

or the government, I guess, in real terms—

> is not required to disclose to the prisoner any reason or matter if any such disclosure is likely to give rise to a significant risk to public safety.

So, there is an out for the government. If this particular parolee has been declined parole and the government deems that giving that information to that person would in some way risk public safety, then it does have an out, in very exceptional circumstances, I would imagine, but nonetheless it is there and if we pass this amendment it will be enshrined in law. I am inclined to support the amendment, I think it is not unreasonable. I am happy to listen to the government's argument if it

has a strongly held view or some persuading arguments as to why we should not support it, but at this stage, in the absence of that, we will be supporting the amendment.

The committee divided on the Hon. Ms Bressington's amendment:

AYES (3)

Bressington, A. (teller)	Franks, T.A.	Parnell, M.

NOES (16)

Brokenshire, R.L.	Darley, J.A.	Dawkins, J.S.L.
Finnigan, B.V.	Gago, G.E. (teller)	Hood, D.G.E.
Hunter, I.K.	Kandelaars, G.A.	Lee, J.S.
Lensink, J.M.A.	Lucas, R.I.	Ridgway, D.W.
Stephens, T.J.	Wade, S.G.	Wortley, R.P.
Zollo, C.		

Majority of 13 for the noes.

Amendment thus negatived.

The committee divided on the Hon. Mr Wade's amendment:

AYES (12)

Brokenshire, R.L.	Darley, J.A.	Dawkins, J.S.L.
Franks, T.A.	Hood, D.G.E.	Lee, J.S.
Lucas, R.I.	Parnell, M.	Ridgway, D.W.
Stephens, T.J.	Vincent, K.L.	Wade, S.G. (teller)

NOES (7)

Bressington, A.	Finnigan, B.V.	Gago, G.E. (teller)
Hunter, I.K.	Kandelaars, G.A.	Wortley, R.P.
Zollo, C.		

PAIRS (2)

Lensink, J.M.A.	Gazzola, J.M.

Majority of 5 for the ayes.

Amendment thus carried.

Progress reported; committee to sit again.

[Sitting suspended from 13:05 to 14:18]

LEGISLATIVE REVIEW COMMITTEE

The Hon. G.A. KANDELAARS (14:18): I bring up the 37th report of the committee.

Report received.

QUESTION TIME

ADELAIDE QUALITY OF LIVING

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:19): I seek leave to make a brief explanation before asking the Leader of the Government, representing the Premier, a question about the quality of living in South Australia, in particular, Adelaide.

Leave granted.

The Hon. D.W. RIDGWAY: The Mercer Quality of Living survey released today has ranked Adelaide behind Guadeloupe in the Caribbean, Muscat in Oman and Ljubljana in the former Soviet communist state of Slovenia for personal safety, which includes measures of internal stability, crime levels and law enforcement effectiveness. My question to the minister is: why has Adelaide been ranked the lowest of all state capital cities for personal safety and lower than some cities in the Middle East, Eastern Europe and the Caribbean?

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for Tourism, Minister for the Status of Women) (14:19): I thank the honourable member for his most important question. We will be happy to refer those questions to the Premier in another place, and happy to bring back a response. However, I will note that yesterday I did put on the record that the ABS had shown that our crime rates were on the decrease, particularly for those rates that were very severe, such as murder and other serious assault. It showed that the trend recently was that our figures were on the decline. They are trending in the right direction. The trend shows that they are declining, which is a very positive thing, indeed.

Obviously, it is work that we need to continue to focus on. I outlined again yesterday our commitment to our very strong police force; and, if members want me to, I am happy to go through all those statistics again in terms of our increased police numbers, our increase in police stations and the increase in the policing budget, which, obviously, is showing up in our statistics, that is, that our crime rates are on the way down, particularly in those areas of serious crime. I think that they are very positive trends, and I think that the strong commitment that this government has shown in relation to these areas is paying off.

LOCAL GOVERNMENT DISASTER FUND

The Hon. J.M.A. LENSINK (14:21): My questions are the same questions that I asked the minister last week, to which I seek answers, on the state disaster fund.

The Hon. G.E. Gago: Who's this to?

The Hon. J.M.A. LENSINK: The Minister for State/Local Government Relations. Has the minister determined terms of reference and will he make them publicly available? When can councils expect to receive payment? On full payout, what will be the balance of the reserve?

The Hon. R.P. WORTLEY (Minister for Industrial Relations, Minister for State/Local Government Relations) (14:22): I would like to thank the honourable member for her very important questions, and I acknowledge the fact that she has had a great interest in disasters for many years. You actually belong to an opposition which is one great disaster. Members would recall that widespread storms in December 2010 and February 2011 over the northern, Mid North and western regions of South Australia caused extensive wind and flood damage to local government infrastructure in a number of the adjoining council regions, including Goyder, Clare and Gilbert Valleys, Barossa, Mid Murray, Light, Orroroo Carrieton, Northern Areas and Peterborough.

To assist councils in the remediation of the damages, funding is available through the state government's Local Government Disaster Fund (the fund) to contribute towards the cost of reparation. The fund is overseen by the Disaster Fund Management Committee, which comprises senior representatives from the Department of Treasury and Finance, the Office for State/Local Government Relations, the Local Government Grants Commission and the Local Government Association.

To date, 10 councils have applied to the committee for funding assistance. At its August meeting in 2011, the committee accepted an independent engineer's recommendation regarding the District Council of Orroroo Carrieton's application. An amount of $627,724 has been recommended to the Treasurer for payment. At its September meeting the committee resolved to recommend to the Treasurer a first tranche payment of $1.5 million to the Clare and Gilbert Valleys Council as part of the $3 million previously approved by the Treasurer. At that time the committee requested advice from the independent engineers, Tonkin Consulting, regarding a proposed change of method of assessment that was identified during consideration by the engineers of the applications.

The engineers provided an update to the committee on 19 September, including further advice regarding the methodology. The committee requested that the current applications under assessment be recalculated using the new methodology (Peterborough, Clare and Gilbert Valleys,

Goyder, Kangaroo Island and Mid Murray). This advice was considered at the 4 October meeting, and the management committee resolved to recommend to the Treasurer approval of the Peterborough, Goyder and Kangaroo Island applications as informed by the independent engineers. Details of the recommendations are: Peterborough, $3,093,253; Goyder, $2,016,880 (December 2010 event) and $4,600,620 (February 2011 event); and Kangaroo Island, $269,579 (September 2010 event) and $289,604 (March 2011 event).

The management committee also heard a presentation from Maloney Field Services regarding the status of the Whyalla City Council application and the Flinders Ranges Council application. The engineer's recommendation regarding the Whyalla foreshore seawall has been received by the management committee and is under consideration. The Flinders Ranges Council application has been completed and is currently with council for endorsement.

I have recently written to the mayors and chairs of the affected councils to ensure them of the government's continued commitment to assisting the affected councils to achieve the restoration of damaged local government infrastructure. I also advised the councils that the management committee and the fund's engineers have been endeavouring to assess the applications as quickly as possible, given the magnitude and the extent of disasters while giving due consideration to the longer term sustainability and viability of the fund.

I have also met with mayor Kym McHugh, President of the Local Government Association, to discuss the disaster fund and the current assessment of the applications for assistance. I have assured the LGA that the government is committed to assisting the affected councils to achieve the restoration of damaged local government infrastructure.

The PRESIDENT: The Hon. Mr Dawkins has a supplementary question.

LOCAL GOVERNMENT DISASTER FUND

The Hon. J.S.L. DAWKINS (14:27): Is the minister aware of any possible applications from the Riverland councils following recent severe storm damage in that region?

The Hon. R.P. WORTLEY (Minister for Industrial Relations, Minister for State/Local Government Relations) (14:27): I thank the member for his question. I am not aware of it at the moment; bear in mind that some of the councils do take time. I remember that for one council it took about six months before we received the application. I am not aware of any, but if there is an application it will be considered in the normal processes of the disaster fund.

LOCAL GOVERNMENT DISASTER FUND

The Hon. J.M.A. LENSINK (14:27): Does the minister know what the balance of the reserve is once those payouts have been made?

The Hon. R.P. WORTLEY (Minister for Industrial Relations, Minister for State/Local Government Relations) (14:27): The current balance of the fund is $41.8 million, including the $3 million drawdown for the Clare and Gilbert Valleys Council. The 2011-12 allocation in the state budget for the fund is $1.392 million. The 2011-12 revised estimate currently is $4.392 million, due to the approval of a $3 million drawdown for the Clare and Gilbert Valleys Council in the 2010-11 financial year but carried over into the 2011-12 financial year.

Applications to the fund for assistance currently total $30.8 million, with a further $4.4 million anticipated, giving a total of $35.2 million. A cabinet submission has been prepared for cabinet's consideration and approval requesting a drawdown from the fund in 2011-12 of $8.13 million and $7.33 million in 2012-13 to meet the expected validated reinstatement costs.

The PRESIDENT: I welcome the Hon. Mr Gilfillan in the gallery.

Honourable members: Hear, hear!

SUPPRESSION ORDERS

The Hon. S.G. WADE (14:29): I seek leave to make a brief explanation before asking the Minister for the Status of Women a question relating to suppression orders.

Leave granted.

The Hon. S.G. WADE: On the basis of police statistics, women are four times more likely to be the victims of sexual offences in South Australia than men. In July 1975 the Criminal Law and Penal Methods Reform Committee, chaired by Roma Mitchell, recommended a general suppression of the identity of the accused in criminal cases. This recommendation was not

adopted. However, in March 1976, the committee delivered a special report concerning the law relating to rape and other sexual offences in which the committee expressed the view that:

> A charge of rape should carry with it no greater and no less immunity from publicity than any other prosecution for a serious offence.

Nonetheless, automatic suppression orders were introduced in 1976. Consistent with this position of the Mitchell committee, Justice Martin recently recommended to the government that South Australia's automatic suppression orders in sexual offence cases should be abolished. Does the minister support the government's maintenance of special protection for people charged with sexual offences, which are overwhelmingly against women, in relation to suppression orders?

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for Tourism, Minister for the Status of Women) (14:29): I thank the honourable member for his most important question. Indeed, this is an area that has some very serious complexities around it, because we know that female victims of sexual offences often do need considerable protection, particularly those women who could be in a domestic violence situation where sexual assault forms part of the perpetration of that offence.

My understanding of the theory or the principles behind the suppression of identity for particular offences is that they have been put in place to protect victims, which is a very important thing coming from my portfolio responsibilities, particularly in relation to domestic violence where a sexual offence has been involved. Often there is a situation where the identity of the victim, and particularly anything that might identify where her or her children might be, is quite critical to their safety and wellbeing.

The Attorney-General recently announced that the state government would amend the Evidence Act, allowing courts to have the power to lift suppression of the details of people who are accused of sexual crimes. My understanding is that, after consideration of a report into the matter by the former Supreme Court judge, Brian Martin QC, the government decided that changes were necessary. The advice I have received is that the government is of the view that the courts are in the best position to make judgements, and changes to the act will see judges being able to make those judgements to assess on a case-by-case basis.

The suppression could be lifted during an investigation or after a person has been charged. For example, if the police came forward and said, 'We believe that the publication of the details of this matter will assist us in finding a witness or other potential victims,' the court would be in a position to be able to make that order. It is my understanding that the government feels that the time is not right to lift suppression measures in their entirety in relation to sexual offences. One of the examples that I have already given here today is the situation of domestic violence, where a sexual offence has occurred—that might constitute an exemption.

The question is whether or not, in any way, that decision prejudices a fair trial. I think that is what would be clearly in the forefront of a judge's mind when they made their considerations as to whether or not to lift suppression orders. I understand that suppression orders are often broken by anonymous people online, unfortunately, and the government would prefer that a national examination of this issue be completed before making any decision about broader reforms in that particular area.

RIVERLAND REGIONAL PROSPECTUS

The Hon. G.A. KANDELAARS (14:34): I seek leave to make a brief explanation before asking the Minister for Regional Development a question about the Riverland.

Leave granted.

The Hon. G.A. KANDELAARS: The Riverland Regional Prospectus showcases investment opportunities and supporting socio-economic infrastructure to assist regional investment decisions by new businesses or by businesses considering expansion opportunities. The prospectus highlights a number of regional attributes, including the area's highly productive soils and climate conducive to irrigated horticulture and dryland farming. Could the minister outline to the council how the government is assisting business in the region to maximise the opportunities presented by irrigated horticulture?

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for Tourism, Minister for the Status of Women) (14:35): I thank the honourable member for his question. I would like to say that

members might recall the body of work the state government undertook with the local Riverland community through the Riverland Futures Taskforce to identify broad areas of opportunity for economic and also population growth.

As a result of this work, and the vision for the future that was put forward by the task force, the Riverland Sustainable Futures Fund was announced by the state government back in February 2010. The primary role of this fund was to facilitate the region's recovery by encouraging further investment in existing businesses, and also trying to attract new businesses, new industry and new investment into the region to help diversify its economic base.

On a number of occasions, I have outlined to the chamber how the government through this fund has and will continue to assist Riverland business and the broader Riverland community to capitalise on the numerous opportunities presented to the region. To date, the grant funds approved from the futures fund are just over $8.4 million for projects with a total value of about $17.5 million. These projects are also expected to enable businesses to generate up to around 110 new jobs in the area.

I am pleased today to announce that I have approved grant funding of just over $153,000 to Mulga Organics for their Riverland organic vegetable and herb project. The project will allow Mulga Organics to market and produce, in climatically controlled greenhouse arrangements, a range of organic vegetables and herbs, which I am advised are not currently grown in the Riverland, and certainly not in this way.

Although Mulga Organics is a recently established business, it is an enterprise consisting of the organic producer and marketer, Mallyons on the Murray, and the Rohde fruit growing partnership. Both of these enterprises have a very long history in the Riverland fruit and vegetable industry. Once again, this project is taking advantage of the opportunities presented by the Riverland region, specifically through irrigated horticulture. I understand that this project, which is supported by Murraylands Riverland Regional Development Australia, aims to be carbon neutral and will optimise the use of green energy wherever possible.

Importantly, it is expected that this work will generate around three positions. The choice of products that will be grown is a result of research and development, and is market driven. I am advised that the demand for organic herbs is growing strongly and is coming from a very small production base. In addition, I am advised that it is expected that consumers are willing to pay a premium for organically grown products.

The current project proposes to grow in a climatically controlled greenhouse arrangement produce such as organic basil, cucumber, capsicum and eggplant. The total project investment is over $300,000 and with the assistance from the futures fund will see construction of 16 greenhouses and associated supporting infrastructure such as water and fertilisation systems, solar energy, climate control system, cool room extension, as well as employee amenities. One of the features of this project is that it aims to be carbon neutral by optimising the use of green energy wherever possible.

It is very pleasing to see that the projects being put forward are generating economic diversity by growing and marketing products new to the region, as well as replacing imported products and addressing market failure through supply inconsistencies. We hope that a project such as this will help spearhead the Riverland into a new market niche area that currently the Riverland is not involved in. We believe that it offers a real opportunity to expand and develop markets for the Riverland.

SPEED LIMITS

The Hon. D.G.E. HOOD (14:40): I seek leave to make a brief explanation before asking the minister representing the Minister for Transport and Infrastructure questions relating to the proposed reduced speed limits on some of our rural roads.

Leave granted.

The Hon. D.G.E. HOOD: Members would no doubt be aware that the government has recently announced that it will be seeking to reduce the speed limit from 110km/h to 100km/h on 45 roads within 100 kilometres of Adelaide and on Yorke Peninsula. Many of these roads and, in particular, the Copper Coast Highway, are vital not only to the tourism industry but also to our industrial and agricultural industries.

According to the minister, the reason for the speed change is that 'reducing average travel speed is the most effective way to reduce trauma and produce significant and immediate road safety benefits'. I do not quibble with that assertion from the minister, but I bring the minister's attention to the latest research by the Centre for Automotive Safety, which shows that serious injuries and fatalities can be reduced by up to 50 per cent through safer roads and improving infrastructure, such as sealing the shoulder of roads, which can reduce crashes by up to 40 per cent; and by adding rumble strips, which has been identified as one of the most effective road improvement tools, with the potential to reduce fatal crashes by somewhere between 20 and 45 per cent, according to the KiwiRAP report of 2008.

It is argued that changing the speed limit without changing these environmental factors is doing only part of the job. My questions are:

1. Is the government aware of how many accidents are caused on rural roads as a result of the poor quality of those particular roads?

2. What is the government intending to do in these particular areas on the roads where the speed limit will be reduced in order to fix those roads so that they can also help reduce the road toll?

The Hon. I.K. HUNTER (Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (14:42): I thank the honourable member for his questions, and I thank him for his interest in the government's efforts in relation to reducing the road toll and serious injuries and fatalities on our roads.

I am advised by the Minister for Road Safety that the Commissioner for Highways has recently approved the reduction of the speed limit from 110km/h to 100km/h on 45 sections of roads within approximately 100 kilometres of Adelaide and Yorke Peninsula. I am advised that, by reducing the speed limit on these roads, we could save 12 casualty crashes per year. Importantly, these changes will be in place before the busy Christmas holiday period.

The Weatherill government is taking immediate action to achieve the community's target to reduce the road toll by at least 30 per cent by the end of the decade. This is outlined in the new road safety strategy Towards Zero Together and features prominently as part of the State Strategic Plan. I am also advised that, over the past five years, more than $110 million has been invested in arterial roads. In addition, around $371 million has been spent on road maintenance over the same period in rural South Australia, using a combination of state and federal funding.

Road safety infrastructure improvements are an integral part of our road safety strategy but must, of course, be complemented with other measures. Reducing average travel speed is the most effective way in which to reduce trauma and produce significant and immediate road safety benefits.

I understand that there has been some criticism in relation to these changes and that claims have been made that it is not necessary and that casualties can be avoided through greater investment in road infrastructure. I am advised that, over the past five years, $17 million has been invested into the 45 roads through road safety improvements, such as the installation of safety barriers and shoulder sealing.

Regardless of a lower speed limit, the government will continue to invest in these roads through the Rural Road Safety Program, the Shoulder Sealing Program, the Responsive Road Safety Program and the State Black Spot Program. The Department of Planning, Transport and Infrastructure will be moving swiftly to change signs on the roads under its care and control by Christmas. We are confident that this measure will reduce the unacceptable burden that road trauma imposes on the South Australian community.

In 2003 the speed limit on about 1,100 kilometres of rural arterial roads was reduced to 100 km/h. Research by the Centre for Automotive Safety Research shows that this reduced casualty crashes on those roads by up to 20 per cent. The roads included in this announcement are undivided rural roads. The Northern Expressway, the Port Wakefield Road, the South-Eastern Freeway and the Sturt Highway are divided roads with controlled access and will retain their higher speed limits.

The PRESIDENT: The Hon. Mr Ridgway has a supplementary.

SPEED LIMITS

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:45): The minister referred to two figures: $115 million and $371 million invested in roads. Could he provide the chamber with a breakdown of where that money has been spent and on which roads? I might add that I asked the Leader of the Government that question and she has failed to deliver the answer.

The Hon. I.K. HUNTER (Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (14:45): If the honourable Leader of the Opposition has already asked that question and put it on notice then I am sure he will get his response very soon.

SPEED LIMITS

The Hon. J.M.A. LENSINK (14:46): Supplementary, Mr President. Can the minister advise why the local governments affected by these roads were not consulted?

The Hon. I.K. HUNTER (Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (14:46): Ordinarily I would take comments from honourable members of the opposition at face value, but I will need to check the facts of that statement before coming back with a response.

PATTERSON, MS M.

The Hon. CARMEL ZOLLO (14:46): My question is to the Minister for Industrial Relations. Can the minister advise the chamber about the outstanding career of Ms Michele Patterson and her significant contribution to the field of occupational health and safety and industrial relations in this state?

The Hon. R.P. WORTLEY (Minister for Industrial Relations, Minister for State/Local Government Relations) (14:46): I thank the honourable member for her very important question. I am pleased to advise the chamber on the outstanding career of Ms Michele Patterson, who has announced her decision to retire from the position of Executive Director of SafeWork SA at the end of the year on 31 December 2011, following nine years in the role.

Michele has played a prominent role in occupational health and safety in Australia, both at state and national levels, for over 25 years, representing both New South Wales and South Australia on numerous national boards and working parties on occupational health and safety standards. Michele's career in occupational health and safety commenced with her appointment as the first female inspector of industrial safety in South Australia in the early 1980s. That role was followed by positions in the South Australian Occupational Health and Safety Commission, after which she joined the Office of Consumer and Business Affairs, followed by a move to WorkCover New South Wales as Assistant General Manager in 1997.

In October 2002 Michele returned to South Australia and was appointed Executive Director of Workplace Services, now SafeWork SA, the regulatory authority responsible for both occupational health and safety and industrial relations in South Australia. This role was appealing to Michele as South Australia deals with safety and industrial relations together, therefore providing a great opportunity to work towards safe, fair and productive working lives in this state.

Since returning to South Australia Michele has been at the forefront of developing and implementing health and safety and industrial relations reform. Michele's valuable knowledge, hard work and experience have ensured that SafeWork SA is recognised as a strategic and high-performance labour inspectorate, which has also directly benefited the agency through exposure to and collaboration in international occupational health and safety and labour issues.

Over recent months Michele's work has focused on the national harmonisation of Australia's work health and safety laws in her role as chair of the national committee responsible for achievement of this most important safe work and business reform. Michele will continue in this national role until the end of March 2012.

As well as being South Australia's representative on Safe Work Australia, Michele is President of the International Association of Labour Inspection and has a number of academic qualifications, including a Master of Science in Health Policy and Management, Specialising in Occupational Health and Safety, from Harvard University in Boston.

I understand that following her retirement Michele will continue working towards consolidation of international occupational health and safety and fair work initiatives, within which

she has been working towards a range of goals in a voluntary capacity for the past decade. Michele has had a distinguished career, and I take this opportunity to thank Michele for her leadership of SafeWork SA and wish her all the best for her future endeavours.

NATIONAL DISABILITY INSURANCE SCHEME

The Hon. K.L. VINCENT (14:49): I seek leave to make a brief explanation before asking the Minister for Disabilities questions regarding the national disability insurance scheme, disability blueprint and supported accommodation.

Leave granted.

The Hon. K.L. VINCENT: This week is Spread the Word week for the Every Australian Counts or national disability insurance campaign, a campaign that the Labor Prime Minister counts as one of her significant priorities, according to a recent news article. The NDIS is something that our neighbouring state Victoria has indeed already begun to be prepared for.

The head of the NDIS Every Australian Counts campaign is former New South Wales disability minister, Labor's John Della Bosca. This morning, Mr Della Bosca has been on radio explaining just why we need an NDIS, given a PricewaterhouseCoopers report that has been released. This report shows that people with disabilities are more likely to be living in poverty in Australia than other developed countries in the OECD. It also showed that people with disability were half as likely to be employed in this country as people without disability and that 45 per cent of people in this community were living in poverty currently.

It is now six weeks since the government released its long overdue blueprint for disability reform in the sector. Despite there being many priority actions and many well-intentioned words about these recommendations, I fear the report is set to languish on the shelves gathering dust in some government department. Further, despite it being a recommendation of the blueprint, we are yet to see one shred of real action on clearing the supported accommodation waiting list.

It may surprise the minister to know just how many parents aged in their 60s, 70s and 80s are anxious that their child with disabilities is still living at home and may not get care and accommodation when the parent passes away or is too ill to take care of them. It is a significant and very real concern that, when they die, this support may not be available. Given the current waiting lists, there is no chance of any real reassurance being given to these parents. My questions to the minister are:

1. Why has the minister not taken immediate action on his own government's report to urgently clear the unmet needs list?

2. When can the more than 1,700 South Australians waiting for supported accommodation expect to be made a priority by this government?

3. Given that it is Spread the Word week for the national disability insurance scheme, what actions is the minister taking to ready South Australia for the implementation of the scheme?

4. Given the disgraceful results in the PricewaterhouseCoopers report released today, and following on from his government's blueprint, what is the minister doing to ensure that the 45 per cent of people with disability living in poverty in this state have an opportunity to escape it?

The Hon. I.K. HUNTER (Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (14:52): I thank the honourable member for her important question and for her continued advocacy for this community. As the article in *The Australian* today notes, we need a cultural shift in the way that we view people with disabilities and their capacities. That is something that was similarly identified in the Strong Voices disability blueprint, which the Hon. Kelly Vincent mentioned in her explanation.

It is important that we look at how people with disabilities are able to live their lives with dignity. While the national disability insurance scheme will improve the lives of people with disabilities, we need also to focus on measures that will promote independence and a sense of dignity for those people living with disabilities. As was noted in the article in today's paper:

> Broader social and cultural changes are needed, including a greater acceptance of the disabled in workplaces, says *Disability expectations: investing in a better life, a stronger Australia*.

As referenced by the honourable member, the article states that John Della Bosca, national campaign director of the Every Australian Counts campaign, and a former New South Wales Labor cabinet minister, said:

> ...future labour market shortages were front of mind for many employers, and with the right infrastructure and culture people with disability were a huge resource ready to be tapped.

That is one of the challenges that face us as a state and as a state government when we address the issues that are before us in terms of the blueprint and also the national disability insurance scheme.

The South Australian government has given in-principle support to the proposed national disability insurance scheme (NDIS). Our in-principle support also extends to the proposed no fault national injury insurance scheme. This aims to focus on people with a catastrophic industry regardless of the cause of that injury.

The Productivity Commission estimates the recurrent annual cost of the NDIS is approximately $13.6 billion nationally, approximately double the amount of funding that is currently expended by state, territory and commonwealth governments on disability services.

The concept of both schemes will involve a fundamental shift in the way disability services are provided, managed and funded, which we hope will lead to a better way to deliver disability services across the country. This is also likely to include significant policy and funding matters, which will need to be worked through by governments across Australia in a collaborative and joint manner.

In regard to the blueprint, I have said publicly many times now that the government will be releasing our first response very soon. That first response will lay out our approach to disabilities into the future and the government's commitment to people living with disabilities in South Australia, and that will happen within weeks.

APY LANDS, FOOD SECURITY

The Hon. T.J. STEPHENS (14:55): I seek leave to make a brief explanation before asking the Minister for Communities and Social Inclusion, representing the Minister for Aboriginal Affairs and Reconciliation, questions regarding food security on the APY lands.

Leave granted.

The Hon. T.J. STEPHENS: I detailed this problem during my contribution on the Supply Bill back in March. I have also commented in the media on this issue a number of times, calling on the government to divert funds from underachieving projects into a subsidy, which the Mai Wiru food group has continually asked for. I have been informed that a figure of $300,000 would go a long way to equalising fresh food and grocery prices between the lands and supermarkets in Alice Springs.

The new minister commented recently, during a radio interview, that he doubts the market garden project would be continued as it was not making a positive contribution. In the same interview he remarked that the government puts so much money into the APY lands that it should not be considered a problem. My questions are:

1. Will the minister concede that previous minister Portolesi's solutions have not contributed positively to the inequity in food prices on the APY lands?

2. Is he able to find the $300,000 from the mountains of cash he is apparently throwing into the APY lands for a food transport subsidy? If not, then what is the minister's solution to this problem?

The Hon. I.K. HUNTER (Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (14:57): I thank the honourable member for his question and will take part of his question to the minister in the other place for a response. However, in relation to his first question, the answer is no.

APY LANDS, FOOD SECURITY

The Hon. T.J. STEPHENS (14:57): Supplementary question, given the minister's attempted answer.

The PRESIDENT: The Hon. Mr Stephens has a supplementary question out of the answer.

The Hon. T.J. STEPHENS: Given this issue is directly relevant to the portfolio of the Minister for Communities and Social Inclusion, can he inform the council whether he supports the idea of a transport subsidy?

The Hon. R.L. Brokenshire interjecting:

The Hon. I.K. HUNTER (Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (14:57): I thank the honourable member for his supplementary follow-up question, and I am not quite sure about the Hon. Mr Brokenshire's comments about a science degree having no pertinence to being able to answer these questions. A transport subsidy is, of course, a very thorny issue; it means subsidising private enterprise to take products up to the lands. It is not the only way that these issues can be resolved. I will ask the honourable minister in the other place to come back with a response in relation to that question.

The PRESIDENT: The Hon. Mr Stephens has a supplementary question out of the original answer.

APY LANDS, FOOD SECURITY

The Hon. T.J. STEPHENS (14:58): What are the solutions that the minister has for this incredibly important problem?

The Hon. I.K. HUNTER (Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (14:58): These issues are complex ones, as has been noted. I am not in a position, having been here for about 47 days, to give you an answer to that. It is a problem that has bedevilled past governments, Labor and Liberal. These issues have not gone away over—

Members interjecting:

The PRESIDENT: Order!

The Hon. I.K. HUNTER: —the space of the last 20 years. All of us bear shared responsibility for fixing these issues up. I would hope that the Liberal opposition will join the Labor government in a serious attempt at solving these issues that have bedevilled the lands for many, many years.

INTERNATIONAL DAY OF PEOPLE WITH DISABILITY

The Hon. J.M. GAZZOLA (14:59): My question is to the Minister for Disabilities. Will you provide this place with an update on the International Day of People with Disability 2011?

The Hon. I.K. HUNTER (Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (14:59): I thank the honourable member for his very intelligent question. In 1992, the general assembly proclaimed 3 December as the International Day of People with Disability. The day aims to promote an understanding of people with disability and encourage support for their dignity, their rights, their safety and their wellbeing.

The International Day of People with Disability brings together individuals, businesses, community organisations and governments from every corner of the world to recognise the achievements and contributions of people with disability. This year, the Department for Communities and Social Inclusion will mark the International Day of People with Disability with a special function this coming Friday here in Parliament House. National Disability Services, Disability Services clients and their families, and members from the Minister's Disability Advisory Council will be among those attending this special event.

A new promotional booklet, entitled *Breaking Down the Barriers*, will be launched at this event. The booklet highlights barriers to access and inclusion of people with disabilities and provides a guide for best practice for the community. The booklet also reflects on the state government's Promoting Independence strategy which began in 2000. As the chair of the Minister's Disability Advisory Council, Dr Lorna Hallahan, has eloquently stated previously:

> Promoting independence is not simply a government strategy. It is a South Australian expression of the Independent Living Movement, which has had a major impact internationally for over 40 years. The Independent Living Movement began with Ed Roberts who is known as the father of the disability rights movement, who advocated for self-determination, self-respect and equal opportunities. Promoting independence embraces these aspirations...

The strategy has achieved successful outcomes, including improved accessibility of state government buildings, improved employment opportunities for people with disabilities, and improved services for people with disabilities and their families.

After 10 years, now is perhaps the appropriate time to take a breath and review the strategy in line with national reforms taking place in the sector. As many in this chamber would be aware, the disability sector continues to move towards a more client-centred model, providing greater choice and control for people with disabilities and their families. We now need to lift the bar even higher and identify further improvements in service, support, access and inclusion for people with disabilities.

The government is currently considering its response to the Social Inclusion Board's Disability Blueprint, and I hope to be able to make announcements on that within weeks, as I indicated earlier. Certainly, the government is aware of the need to align the state's Disability Services with reforms taking place on a national level, in line with the National Disability Strategy and the United Nations Convention on the Rights of Persons with Disability.

As the new Minister for Disabilities, I have actively sought out opportunities in the past few weeks to speak one-on-one with people with disabilities and their carers about where we can improve services, support, accessibility and inclusion. I am also consulting with key stakeholders, leading advocates, NGOs and academics. I look forward to attending this year's International Day of People with Disability event to continue these discussions and to celebrate the skills, achievements and contributions of people with disability.

The PRESIDENT: The Hon. Kelly Vincent has a supplementary.

INTERNATIONAL DAY OF PEOPLE WITH DISABILITY

The Hon. K.L. VINCENT (15:02): Is the booklet that the minister mentioned, *Breaking Down the Barriers*, available in all kinds of accessible formats?

The Hon. I.K. HUNTER (Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (15:02): I am unaware of what formats are available, but I will find out and bring back a response.

HAMPSTEAD REHABILITATION CENTRE

The Hon. J.A. DARLEY (15:02): I seek leave to make a brief explanation before asking the Minister for Industrial Relations, representing the Minister for Health, a question about the Hampstead Rehabilitation Centre.

Leave granted.

The Hon. J.A. DARLEY: My office has recently received information regarding the Hampstead Rehabilitation Centre and some problems that were encountered in implementing the government's paid parking scheme. I understand that an access ramp at the centre was repositioned so that boom gates could be installed. I am told that when the ramp was rebuilt the incline was so steep that a power wheelchair tipped backwards when trying to negotiate the ramp. I do not imagine that such a ramp would meet the standards required and consider it to be particularly poor that a centre where a large number of clients rely on wheelchairs cannot support and facilitate a safe wheelchair environment.

I am told that the boom gates installed do not have sensors which would automatically stop them should they sense an object underneath the gate. As a result, I understand that a number of people have been hit or very nearly hit on the head by the boom gates. This is hardly ideal for a rehabilitation hospital. Brain-injured clients should be accommodated in a safe environment which would allow them to leave the wards rather than expose them to further risk of injury.

Further to this, I am told that the location of the boom gates is poorly positioned and that staff are often walking in the vicinity of the entrance/exit. In the first few days after the boom gates were installed I understand that there was a considerable amount of confusion for motorists and that one pedestrian was struck by a car when it unexpectedly reversed to gain a better position to the boom gate.

I am also told that the boom gates were installed before all vehicles were removed from the car park which effectively trapped the owners' cars in the car park until an attendant arrived to let them out and that the construction of the new car park caused significant noise and vibrations which apparently led to large cracks appearing in an adjacent building. I understand that works on

the new car park were halted until an engineering report could be done to assess the structural integrity of the cracked building and that this inspection caused further disruptions for staff as it occurred during core business hours. My questions are:

1. Is the minister aware of the situations outlined above?

2. Given that many of the problems encountered above could have been avoided with more careful planning, can the minister advise why more appropriate attention to these matters was not given in the design phase?

3. Can the minister advise how much money was used to rectify the mistakes made?

4. Is the minister aware of similar problems encountered at other sites which have recently introduced paid parking?

The Hon. R.P. WORTLEY (Minister for Industrial Relations, Minister for State/Local Government Relations) (15:05): I thank the honourable member for his very important question. I will take it on notice and refer it to the Minister for Health and get an answer back from him as soon as possible.

BRANCHED BROOMRAPE

The Hon. J.S.L. DAWKINS (15:06): I seek leave to make a brief explanation before asking the Minister for Agriculture, Food and Fisheries a question about branched broomrape.

Leave granted.

The Hon. J.S.L. DAWKINS: On 10 November this year I asked the minister how the government proposed to continue the branched broomrape eradication program, following the imminent loss of federal funding for the program. In her answer the minister mentioned work being done to prepare a new model, but gave no details.

I understand that South Australia's branched broomrape control will be wound back from July 2012 and the Murraylands' quarantine zone lifted, under a draft proposal released last week. If this proposal is adopted it will place an unreasonable cost burden on individual farmers in the affected areas. It will also have wider implications, placing bans on the movement of hay, straw and small seeds outside of the zone and increasing the likelihood of branched broomrape escaping from the zone and spreading to other parts of Australia.

This proposal comes despite government and landholder spending of almost $100 million since 2000 towards eradication. Moreover, 25 per cent of infested paddocks have been successfully cleared within the past three years alone; and findings by the Branched Broomrape National Management Group maintain that broomrape could have been eradicated entirely under current controls between 2040 and 2070. It should also be noted that this move follows assurances by the former agriculture minister, the Hon. Michael O'Brien, that the government would commit whatever resources were required to maintain control programs.

The national steering committee for branched broomrape's draft management plan proposal for the future management of broomrape in South Australia refers to the establishment of wash-down facilities. My questions are:

1. What is the expected cost of establishing wash-down facilities for the removal of soil and plant material from farm machinery before it leaves the proposed branched broomrape management area?

2. Who will pay to establish, operate and maintain these wash-down facilities?

3. How will the code of practice proposed to apply to products assessed as low risk from broomrape-affected properties be monitored, and what penalties will there be for noncompliance?

4. What will be the cost of providing this monitoring of the proposed code of practice and who will pay for it?

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for Tourism, Minister for the Status of Women) (15:08): The management of branched broomrape has been a very difficult challenge for the state of South Australia. As I have said in this place before, a review of the program released earlier this year concluded that the eradication of this weed was no longer technically feasible. The

finding of an independent scientific panel was that the approach to be pursued should be based on containment and the ability to declare products and properties to be free of the weed.

The finding was accepted by the National Management Group for Weeds (the body that is responsible for the oversight of this nationally-funded program). National funding of around $2.6 million and state initiatives of $1.95 million continue until June 2012 to support the necessary elements of the current program, and provide for a transition to another management program for this weed.

Because of interstate trade in commodities, a national approach is obviously needed, and Biosecurity SA is undertaking local consultation. Results will be fed into a national steering committee that is working on a new management plan. The national steering committee is chaired by PIRSA, with members from the commonwealth and state government and, importantly, is linked to the industry through Plant Health Australia. The committee is currently preparing a new management plan for the implementation for July 2012.

Once discussions with other jurisdictions have occurred, the agreed framework will then go to the Primary Industries Ministerial Council. The national steering committee is working on scenarios for management that range from controlled containment to product quality assurance, and the potential to pursue property freedom. Importantly, the management plan will provide arrangements to support quality assurance so that market access is maintained for farmers both domestically and internationally.

I am advised that the high-risk produce will continue to require some restrictions, and machinery will continue to undergo decontamination procedures to help reduce the likelihood of the weeds spreading outside of the current quarantine area. Arrangements for these measures are obviously yet to be finalised, but are the subject of further work by the national steering committee.

The steering committee is also working closely with the exporters of the at-risk products to re-establish the relative importance of the weed and guide the form of the new program. The community focus group and Ministerial Advisory Committee will obviously play a really important part in preparing any proposals.

The aim is to have a plan framework ready by the new year so that farmers and affected industries can obviously prepare for the 2012 production year knowing what the likely operational parameters are going to be, so we are very mindful of that. I am advised that the draft plan, under consultation by Biosecurity SA, would establish a management area under the Plant Health Act, as well as interstate certification agreements for high-risk produce and agricultural machinery, to be administered by Biosecurity SA. This regime is aimed at securing market access for low-risk commodities while managing the risk of broomrape spreading from the current area.

These practical steps are obviously subject to consultation with the community focus group, and feedback will be used in improving the development of the current draft management plan, to be submitted to the National Management Group later this year. I understand a public meeting for the community focus group was held in Mannum on 21 November, to consult with affected landowners on the proposed framework for the management plan and provide an opportunity for the direct feedback for the new arrangements.

The agency is out there actually talking to people on the ground, and they are assisting us to identify and work through the issues. I am advised there has been some excellent feedback, and improved arrangements were proposed by community members, and Biosecurity SA is investigating the inclusion of a number those proposals in the draft plan for further consideration, so I am grateful for all of those farmers who came out and provided that constructive assistance.

I am advised the spring discovery and market assurance survey that provides for open marketing of produce from the quarantine area is underway. Seasonal conditions were unusual and also ideal for the growth of branched broomrape and, obviously, this has been reflected in those survey results that show a little more of the weed is emerging than would be desirable.

The review indicated that the eradication might have been achieved, as I said, somewhere between 2040 and 2070—as the Hon. John Dawkins mentioned—based on the data available at the time, but the reviewers were unable to confirm this with any confidence due to concerns about the branched broomrape seed survival. So, they are estimates.

The additional discoveries of branched broomrape during the surveys this season put even these target dates into considerable further doubt, so I have been advised. It is clear that, obviously, funding mechanisms are being developed in association with Plant Health Australia. As I

said, these have not been finalised, but we plan to have that information out as soon as we possibly can.

The PRESIDENT: The Hon. Mr Dawkins has a supplementary.

BRANCHED BROOMRAPE

The Hon. J.S.L. DAWKINS (15:15): I thank the minister for her answer. Do the funding mechanisms that she referred to at the conclusion of her answer include the costs of wash-down facilities and monitoring of the code of conduct?

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for Tourism, Minister for the Status of Women) (15:16): I would presume that it would contain all relevant funding matters in its considerations.

INTERNATIONAL DAY OF PEOPLE WITH DISABILITY

The Hon. I.K. HUNTER (Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (15:16): I wonder if I can beg the indulgence of the chamber to answer a question I just took on notice a few moments ago. In response to a supplementary question from the Hon. Kelly Vincent regarding alternative formats available of the booklet *Breaking Down the Barriers*, I am pleased to report that the booklet will be available in large print format and also in spoken book version. Details of where to go to obtain alternative formats are provided in the back of the booklet, which will be launched on Friday.

TOUR DOWN UNDER

The Hon. G.A. KANDELAARS (15:16): I seek leave to make a brief explanation before asking the Minister for Tourism a question about the Tour Down Under.

Leave granted.

The Hon. G.A. KANDELAARS: The Tour Down Under is a world-class event that attracts many people to beautiful parts of South Australia. Can the minister give the chamber some details of the upcoming 2012 event?

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for Tourism, Minister for the Status of Women) (15:17): I thank the honourable member for his most important question about this very important event. The 14th Santos Tour Down Under will be held between 15 January and 22 January 2012, and I am advised that the race will start for the first time in Prospect and also feature another stage finish at Clare. Stage 3 of the race will be held entirely in the Adelaide Hills, with riders racing from Lobethal to Stirling.

As far as race routes go, they are selected to meet the cycling requirements for the UCI World Tour race. Obviously, organisers want to ensure that a range of different regions and towns is profiled each year, and this year the event will travel through a wide range of very exciting areas.

We are targeting key markets of New South Wales, Victoria, Queensland and WA to help maintain and grow interstate visitation. As part of making the tour bigger and better every year, I am pleased to advise that the Adelaide City Council Tour Village will be expanded to incorporate the northern side of Victoria Square in the bike expo area.

It is very exciting to advise members that the five-time Tour de France champion Eddy Merckx will be guest of honour at the 2012 race. Cycling fans will have a chance to meet Eddy by just registering to participate in the Bupa Challenge Tour, which will be held on Friday 20 January, covering 138 kilometres from Norwood to Tanunda, with three shorter distances being available. This is a fantastic event and allows recreational cyclists to ride the same course as the professional riders, and I urge enthusiasts to participate.

Today, the team line-up for Team Katusha was announced, and I am delighted to inform members that the Spanish rider Oscar Freire will be the lead rider for Katusha. Freire is a three-time world race champion, winning in 1999, 2001 and 2004. He is the winner of four stages of the Tour de France, the winner of the Tour de France's green jersey, and a winner of seven stages of the Tour of Spain. His debut was at the 2009 Santos Tour Down Under. I am advised that more

rider and team announcements will be issued over the coming weeks. As I said, it is a great event and I invite members to get online and stay in touch with the race.

MATTERS OF INTEREST

MARINE PARKS

The Hon. J.M. GAZZOLA (15:20): The government has acknowledged that an extension of the consultation period over the proposed marine parks is necessary to provide clarity in what has been—and is—a clouded debate. I also think that we need to acknowledge that the issue of marine parks has been a fertile ground for the dissemination of fear and disinformation.

Such a fertile ground has been cultivated at some public meetings. This was evidenced in the call for the abolition of no-take zones by the opposition as firm policy, as announced at the Burnside Town Hall meeting. Since then, there appears to be a lack of clear understanding of what the opposition's position is on no-take zones. It needs to be contrasted with what the Liberals have said in the past.

The then Liberal premier, the Hon. Rob Kerin, announced in the other place some years ago in answer to a question from the opposition on the development of protected marine biodiversity parks as follows:

> In September 1998 the government released the document 'Our Seas and Coasts. A Marine and Estuarine Strategy for South Australia'. Among the many important initiatives in this document, the government undertook to: 'Using interim guidelines for establishing the national system of MPAs...identify and recommend areas of South Australian waters to be part of a system of MPAs. The strategy intends that the system be in place by the year 2003.

It was the former Liberal government that established marine parks and it was the Liberal government that enacted the protection of cuttlefish breeding grounds when the Hon. Rob Kerin informed parliament on 10 February 1999 of the closure of Upper Spencer Gulf for approximately seven months in each of the years 1999 and 2000, with the possible further closure of the area until a longer term strategy could be found—all under the scientific guidance of SARDI. This action, as he put it, was proof of the then 'government's commitment to ecological and economic sustainability of South Australia's valuable marine resources'.

It is clear that the then government was committed to closure, if necessary, and committed to the science and the principle of a precautionary conservative approach. Given their previous acceptance of the research and the need for stewardship, can the opposition spokesman on the environment give an undertaking that they, in principle, will not rule out sanctuary zones and also recognise the need to act on scientific consensus as primary in the establishment and the role of sanctuary zones?

Just for the record, I understand the anxiety expressed by fishers and vested interests, but I also understand that we have to be cautious if we are to maintain marine environments and sustainable habitats. The report in 'A National Approach to Addressing Marine Biodiversity Decline—Report to the NRM Ministerial Council' sets out clearly the nexus between marine biodiversity, habitats and its consequences for sustainable marine resources, an especially important issue given the decline in the health of our marine environments.

We need to acknowledge the importance of no-take zones to the well-being of future fishing stocks and the spillover effect for recreational and industry fishers as noted in the AFANT (Amateur Fisherman's Association of the Northern Territory) publication commenting on the report in the prestigious scientific journal, *Science.* We also need to acknowledge the comments by UniSA Don Clifton, Program Director of UniSA's graduate program, re social and ecological collapse as the world approaches a conservatively estimated population of around 9.5 billion by 2050, where he concluded in regard to our ever destructive resource-consuming lifestyle as follows:

> And what's wrong is living our lives in a way where we don't live with the consequences of our own behaviour...like it or not, the lifestyles we enjoy come at a cost. We need to face that and do something about it.

To conclude, the recent report by the Centre for Policy Development on marine economy security has also reinforced the need for Australia to institute extra marine parks and increase fish stocks to combat the negative economic impact of climate change. It has released a concerning set of figures on the cost of inaction, namely the risk to 9,000 direct jobs in commercial fishing and our marine tourism industry worth $11 billion a year, as well as reeling off a set of figures in the billions of dollars of economic marine assets—an assets base which is at risk if long-term protection is sacrificed for short-term interests.

EVIDENCE ACT REVIEW

The Hon. S.G. WADE (15:25): On 3 May 2011, in response to the controversy about the charging of a state Labor parliamentarian with child pornography charges, the then premier Mike Rann announced an independent review of section 71A of the Evidence Act 1929. Sections 71A(1) and (2) of the Evidence Act prohibit the publication of evidence given in proceedings against a person charged with a sexual offence and the identity of a person who is charged or is about to be charged with a sexual offence until the accused has been committed for trial or sentence or, in matters determined summarily, until a plea of guilty is entered or a finding of guilt is made following a trial.

In July 2011, Justice Brian Martin, former chief justice of the Northern Territory, was appointed to undertake the review. The Attorney-General released the report last week. Justice Martin's report is a strong statement about the need for open justice and the interrelationship between the independence of the judiciary and the freedom of the press. The key sections of the report are:

> Ultimately the primary consideration is the proper administration of justice, which includes ensuring that a person accused of a crime receives a fair trial according to law. As I have already explained, other than in exceptional circumstances, in my view publication of the identity of a person charged with a sexual offence prior to committal for trial or conviction does not undermine either the presumption of innocence or the right to a fair trial. To the contrary; the current prohibition has the tendency to promote rumour and innuendo which in turn can create an atmosphere prejudicial to the accused person whose identity is suppressed...

Later in the report, Justice Martin wrote:

> To the extent that a few are adversely affected by the publication of identity, their personal interests are outweighed by the 'greater public interest in adhering to an open system of justice'. Publication of identity might also promote the possibility of witnesses coming forward.

The Liberal Party is a party which respects rights and freedoms. We specifically respect the rights of the individual. We are persuaded by Justice Martin's logic that the current law works against the individual as much as against the community. We have decided to work towards the repeal of section 71A(1) and (2) as recommended by Justice Martin.

No doubt, the government will selectively quote Justice Martin where he says 'there is no right answer' but no person can read the Martin report without seeing clearly where he thinks the balance lies, and he specifically recommends repeal of section 71A(1) and (2). Significantly, only Queensland and the Northern Territory have similar provisions to section 71A. In 1988, the United Kingdom repealed a statutory provision protecting the identity of the accused, following a law reform review.

I stress that the opposition does not support junking suppression orders. We believe that suppression orders are an important tool for the proper administration of justice, but they must be used sparingly and there is no reason why sexual offences should be treated differently to other offences. We think courts and their processes should be open and transparent unless a significant reason exists for their closure. The government, on the other hand, thinks courts should be closed by default.

In 1976, the Criminal Law and Penal Methods Reform Committee, chaired by Roma Mitchell, issued a special report to say that sexual offences should not be treated differently. I quote from the Martin report on this matter:

> Significantly, in March 1976 the Committee delivered a Special Report concerning the law relating to rape and other sexual offences in which the Committee expressed the view that 'a charge of rape should carry with it no greater and no less immunity from publicity than any other prosecution for a serious offence'.

The opposition welcomes the Martin review and is disappointed the Labor Party has rejected the recommendation of the independent umpire. We know that these are raw issues for the government. The identity of a Labor MP is currently suppressed under section 71A. The father of a Labor MP was subject to a suppression order. Our position is not in response to those cases. Even if the Labor MP's identity is suppressed when legislation is considered by this parliament, we would not support retrospectivity. Having responded to public disquiet over the suppression of the identity of the Labor MP by commissioning an independent review, we urge the government to put the public interest first and change this law.

FIRST HOME OWNERS GRANT

The Hon. D.G.E. HOOD (15:30): Over the years, the new home owners grant has received vast amounts of media: some good and some bad, as you might expect. For the most part, the grant has been widely welcomed from all spectrums, especially those buyers who were looking to enter into the home owners market. The new home owners grant was established in the year 2000 as a means of offsetting the GST requirements of first home buyers. In its current form, the new home owners grant of $7,000 is available to a first home buyer of a new or established dwelling that does not exceed $575,000 in value.

In addition to this grant, the government also offers a new home bonus grant of up to $8,000; that is an additional $8,000. I believe this bonus has encouraged many first home buyers to enter into the market, which is, in my view, unnecessarily expensive and somewhat exclusive. We are facing a situation where first home buyers are really going to struggle to buy a home, and I think that $8,000 the government put forward for people building a new home was a very good policy indeed, and certainly one that Family First strongly supported. It is particularly useful for couples or individuals who only have a single income.

Recently, the government announced that the new home bonus grant will be steadily phased out, in an effort to save an estimated $21.3 million over the next four years. Family First opposes this move. From now until 30 June 2012, the $7,000 will still be available, with the additional $8,000 for new homes; from 1 July 2012, you will be entitled to the $7,000 first home owners grant but you will only receive a $4,000 additional bonus; and then from 1 July 2013, the new home bonus grant will be abolished.

Regardless of the impact of the cessation of the grant, the state government will continue to collect large sums of taxes for the construction and sale of homes and will continue to collect stamp duty. South Australia still has one of the highest stamp duties in the country, yet buyers do not see any real relief under this measure. Additionally, for every dollar spent on building a house, the HIA estimates that an additional $6 to $7 is spent for incidentals relating to that house: carpets, curtains and the like. There is a very clear relationship between home ownership and strengthening the state economy.

It is particularly interesting to look at what the other states are currently doing. Most states have a bonus scheme of some description, particularly for building homes. Queensland, for example, currently pays a new home owner $17,000 and if their house is under the value of $500,000 they do not pay stamp duty at all. Victoria offers up to $26,500 in some instances, being a new home owners grant of $7,000, a bonus of $13,000 and additional $6,500 for construction in a regional area. The capped amount for houses eligible for the grant in most states is $750,000 (it is much less here) and in certain parts of Western Australia the cut-off point is $1 million. The point I make is that we cut off way too low. Furthermore, we will be cutting it off altogether.

Clearly, South Australia is out of step with the other states. This is something that is not to be debated. In the long term this move will hinder those South Australians trying to enter the already very expensive housing market that we have in this country. According to the ABS, both housing finance and building approvals are already significantly lower in South Australia over the 2010-11 period compared with that of the 2009-10 period, which is hardly surprising in the current economic climate.

Our goal at this stage should be to support not only the homebuyer trying to enter the market for the first time, but also the industry, as it creates many spin-off jobs. As I said, every dollar spent on housing translates into something like $6 or $7 in closely related industries. We do not want to see a situation where in an effort to cut costs and save $21 million to make our bottom line look slightly better, we will have priced people out of buying their own home, which will have a devastating impact on the housing industry and the industries that surround it and support it.

I strongly believe that this policy needs to be re-thought and I urge the government to consider that by funding and maintaining this policy it will actually recoup more in tax revenue than it will cost it to abolish it.

LABOR GOVERNMENT

The Hon. G.A. KANDELAARS (15:35): I rise to respond to a matter of interest raised by the Hon. Mr Ridgway last week concerning the assertion that South Australia Police were conducting road traffic blitzes to generate revenue for the government. Such an assertion is arrant nonsense and not becoming of somebody who aspires to be the minister for police. I will read out a

SAPOL response to an *Advertiser* article published on 11 November 2011 to illustrate the point. The article was titled 'Traffic police drive anger'. It states:

> In response to the article in today's *Advertiser* on page 7, 'Traffic police drive anger', police refute that an expiation notice was issued for an unsecure load involving 'a few empty drink cans and a handbag on a front car seat' during Operation Eyre Lock.

The facts in relation to the article in *The Advertiser* are that only one car was issued with an infringement notice for having an unsecured load in Operation Eyre Lock, and a photograph of the alleged unsecured load is attached—and I show it here, Mr Acting President.

The ACTING PRESIDENT (Hon. J.S.L. Dawkins): The honourable member should not use props. He is referring to something, but I would ask him not to refer to pictures in the future.

The Hon. G.A. KANDELAARS: It is important to remember in this debate that the potential for an unsecured load to cause serious injury, or even death, is high and the public is reminded of their obligation to secure loads. Police are aware of gossip promulgated around Ceduna after the issue of the infringement notice suggesting the notice was issued for loose drink cans. Representatives of *The Advertiser* in Ceduna were assured by the officer in charge of the Ceduna Police Station that the drink can assertion was incorrect and that photographic evidence existed to substantiate the event.

The Advertiser also advised that no-one had been reported for having a handbag on a seat. *The Advertiser* sought a response from the police media section in relation to whether police had quotas for the issue of expiation notices and a full response is detailed below:

> SAPOL considers that road safety is everyone's responsibility and on that basis expects all police officers to educate the public in respect to road safety. This expectation requires members to have contact with road users who are observed to breach the law in relation to road safety. There is no quota or benchmark for the number of expiation fines a police officer must issue. A road safety contact may result in an arrest, report, the issue of an expiation fine, or the issue of a written caution. Every police officer retains their individual discretion to determine the appropriate course of action dependent on the individual circumstances of the offence.
>
> The facts are: SAPOL does set benchmarks for road safety contacts involving the 'fatal five' of speed, drink/drug driving, inattention, seatbelts and vulnerable road users. Benchmarks are not measured against revenue from expiation notices but against contacts made with road users. The purpose of road safety contacts is to educate the public in respect of road safety and reduce road trauma. As stated above, every police officer has an individual discretion to arrest, report or caution when infringements are detected.

The government has not set road safety benchmarks for SAPOL. No benchmarks are based on the number of fines issued. *The Advertiser's* assertion that 'some country police stations have been ordered to meet monthly benchmarks for traffic fines or their stations could be closed' is not correct.

I understand the Hon. Mr Ridgway is setting up a Twitter page, and it is a pity he did not bother to check the SAPOL site, because he would have found the facts. Instead of relying on populist arguments to attack our police force, he should consider what police are trying to do, that is, to ensure the safety of motorists in general. As I said earlier, it is a pity that the Hon. Mr Ridgway did not do some research before slurring the good name of SA Police.

DISCOVER AUSTRALIA

The Hon. J.M.A. LENSINK (15:40): As shadow minister for consumer affairs, I speak for all South Australians on the issue of consumer affairs. Every one of us conducts transactions every day, whether it is to buy a cup of coffee, do the groceries, have lunch or go to the butcher or the fruit and veggie shop, and mostly these transactions are honourable and each side is happy. I also speak for South Australians who conduct their transactions on the internet (and that is most of us) quite regularly.

On the internet, however, we normally deal with companies or institutions that we have dealt with before—our bank, an airline, a telco or a utilities' provider. The one exception is when we deal with tourist-related activities. Tourism is big business. In South Australia it is worth $4.6 billion every year. We have almost 30 million visitor nights a year, and if you search for accommodation on the internet the first pages which inevitably come up are not the motels or bed and breakfasts themselves but companies like Discover Australia which act as brokers. You sometimes do not even know that you are not dealing with a business which runs the accommodation: you are dealing with what is effectively a booking agent.

In a case that has been brought to my attention, a South Australian constituent typed 'accommodation' and 'Clare Valley' into a search engine and then clicked on the Discover Australia website. There she found advertised 'Clare Valley Cabins', which promised a single night stay for

$130. She phoned the Discover Australia number, which is a 1800 number, and so she did not know that she was speaking to someone in Perth, not to someone in the Clare Valley. Discover Australia told her that there was one more cabin left and that she should act quickly to secure the booking. She was told that all the cabins had spas and were in a secluded bush setting but speed was essential. She hesitated a little. The quoted price was $234 instead of the advertised $130 on the website, but, feeling some pressure, she accepted.

An email arrived quickly in her inbox with a PDF attachment. Even that urged her to 'book as early as possible to avoid disappointment'. She then gave her credit card details immediately. What she did not notice was the name of the accommodation, which was a country club not a secluded cabin. It was actually a large resort. She got back to Discover Australia literally within minutes. Of course, it was their mistake because they had not mentioned 'room', 'hotel' or 'Clare Country Club'. Instead of giving her money back, they said (and this was the first instance she was aware of it) that she would incur a $100 penalty and that her only compensation would be $60 worth of vouchers she could use if she booked with them a second time (as if that was likely).

Reputable online traders are quite clear about their conditions. An honest company requires you to tick a box saying that you have read and understood their conditions before you are allowed to go to the next step of the booking—not so with Discover Australia. Its completely arbitrary conditions can only be found by clicking on an icon at the side of the screen which says 'contacts and bookings' and that opens into a new page. You then have to click another icon which says 'conditions and information', which opens another page, and only then by scrolling down past 'validity and costs', 'dynamic costs and instant purchase', 'deposit', 'payments and documentation', 'accommodation and children's rates', 'responsibility', 'airline indemnity', 'travel insurance' and 'luggage' do you finally get to 'cancellations'. There, in literally the fine print in an obscure place on an obscure page, does it say that Discover Australia charges a service fee of $100 per booking or 20 per cent of the gross cost, whichever is the greater—that is to rectify a mistake or a deliberate subterfuge made by the company itself. No amount of pleading by this consumer made any difference to Discover Australia's Western Australian principal.

This company is one of those companies that has the potential to give tourism in Australia a bad name. In South Australia consumer protection is afforded under the Australian Consumer Law (ACL), the Fair Trading Act, the Trade Practices Act (which notably covers misleading advertising) and the Trade Standards Act (which relates to product safety standards and customer contact issues, such as refunds, bag searches and price tags).

Discover Australia might not be breaking the law (although we are looking into that), it is however breaking consumer confidence in our tourism industry, and that is something that no individual tourist or the statewide industry can afford.

NATIONAL DISABILITY INSURANCE SCHEME

The Hon. K.L. VINCENT (15:45): Today I will speak on a matter that is very close to my heart: the need for a national disability insurance scheme (NDIS). This week is Spread the Word Week for the National Disability Insurance Scheme, Every Australian Counts Campaign. Many in the disability sector are out in the community trying to do exactly that: spread the word and raise awareness for the need for this positive and life changing campaign.

Last week South Australian Campaigner of the Week for Every Australian Counts was, in fact, the ferocious disability advocate Ronni Wood. I would like to congratulate her on that. This week we also have the International Day of People with Disability on 3 December. I am honoured to be attending a wide array of occasions that celebrate this day with disability organisations. However, due to the large number of events and also parliamentary sittings, I am certainly not able to attend them all. I do wish those organisations and events that I cannot get to very well and congratulate them on their work also.

I would like to put on the record my appreciation of the organisations, families, parents and workers that do the day-to-day work day in and day out in this sector. Working in the under resourced sector of disability is often challenging and heartbreaking but it is also rewarding and sometimes joyous. These events acknowledge the work done by so many in the sector and the work we still need to do to change cultural, social and economic perceptions and the outlook of people with disabilities.

Both Spread the Word Week and International Day for People with Disabilities is timely when we look at a report released today by PricewaterhouseCoopers. This report assessed how Australia rates in comparison to 28 other OECD countries on a range of measures related to

people with disabilities. Unfortunately, this report is damning in its findings on how Australia measures up with the rest of the world in this area.

Australia ranks only 21st out of 29 countries in the report and has an unacceptable poverty rate of 45 per cent. Australians with a disability are also half as likely to be employed as people without disability, which is a great shame. To live full lives, to live to our full potential, to be included in the community, is something that I and all people with disabilities aspire to. At present this is largely not possible.

Every Australian Counts campaign manager, John Della Bosca, has been explaining the results of this report on radio and in newspapers today. He pointed out that if Australia was ranked 21st in the world of cricket or rugby, for example, we would do something about it straight away. On ABC radio this morning he rightly suggested that a national inquiry should be held if we fell down the ranking ladder this far in rugby.

I know John Coates, head of the Australian Olympic Committee, was pleading for additional funding for Olympic sports a few weeks ago in Canberra at the National Elite Sport Council Forum, claiming what a travesty it would be if Australia fell down the Olympic rankings in London 2012 after being ranked fifth on the medal tally in Beijing. So, I appreciate that we are a sporting nation and it is important for us to do well in the Olympics. However, on the issues of basic rights and access for Australians with a disability we are well down in the rankings. We have fallen well out of making the finals let alone the medal round on this matter.

Urgent implementation of the NDIS is indeed the answer, and I urge all South Australians to sign up to the Every Australian Counts campaign. A fully functioning NDIS could see far more Australians with disability employed, and give their family carers the opportunity to work as well. While the NDIS could cost $6.5 billion to implement, $9 billion is the expected economic benefit of allowing people with disabilities and their carers back into the workforce. So it is clear that this is a worthwhile campaign and something that I urge all South Australians to support.

SCHOOL FORMALS

The Hon. T.A. FRANKS (15:48): I rise to talk on the subject of discrimination around school formals. We are entering school formals season and celebration season in this country. In the space of the last decade or so, in fact, high school formals have transformed into quite a major social event, where the previous party pies and soft drinks under the watchful eye of teachers has transformed into something might more like the American-style Proms—

The Hon. K.L. Vincent interjecting:

The Hon. T.A. FRANKS: —which the Hon. Ms Vincent says is a shame; but I imagine those students who enjoy those events may beg to differ. Certainly, I remember in year 10 having some sort of a school formal where I dutifully searched for an outfit. It was made of silk, and I ironed it and destroyed it by leaving the iron on it too long. Now, that iron mark on my beautiful, white outfit lives in my memory.

The Hon. S.G. Wade: A trauma.

The Hon. T.A. FRANKS: It was quite traumatic. For those students who dream of their formal, who enjoy the planning, who look forward to the events—we see the Hummerzines travelling the streets and we have even seen the rise of a magazine called *Formals SA*, auspiced by Tracy Marsh, the former Liberal candidate—this is because year 12, and year 10 to a lesser extent, is a time of beginnings and endings. It is a time of celebration when students prepare to leave the security of the schoolyard. When they do, though, they have two hurdles to get over: the exams and the school formal.

For some students that hurdle is set higher because they happen to be same-sex attracted and the culture of their school is not inclusive of this. As one student described the school formal, it is a time when you get to say the final goodbye to everyone. The pictures are kept for years. If I am traumatised by the fact that I ruined my outfit with an iron, I can only imagine how devastating it is to be excluded from your school formal altogether because of your sexuality. It is not only a time of great excitement; it can be devastating, distressing and disappointing.

Around this time last year I was disappointed, although not surprised, to see the story of Hannah Williams and her girlfriend Savannah Supski who were at the Ivanhoe college in Victoria. Hannah was banned from bringing her girlfriend Savannah to the school formal, and told that if she

wanted to attend it would have to be with a boy so that there could be a gender balance at that particular event.

I strongly suspect that that was an attempt to discriminate against this young couple, with a reason that had less to do with the idea of a real gender balance and more to do with the idea that their same-sex attraction was not endorsed by Ivanhoe Girls' Grammar School. They may claim that it was not a discriminatory move, but it had the effect of discriminating against those young girls. Anyone who remembers being in high school can remember that it is hard enough being different in that environment; it is harder still if your school does not support you in terms of what your identity is, and certainly your sexuality. At the time, Dr Kerryn Phelps advised:

> It looks like responsible parents these days need to check the policy on same-sex attracted students in advance, before they pay the hefty enrolment deposit...just in case their adolescent offspring sprouts into a young lesbian or gay boy.

I could not agree more. I, as a parent, would want to know if in the future my child was going to be safe from discrimination or bullying at the school that I had chosen for them, especially if that discrimination were to come from the school itself and not simply from the students. That expectation goes not only for my child, but also for my child's friends. One imagines that the institution setting the example of discrimination is certainly not putting those students in a safe place.

It is a continuing travesty that under our current state legislation some schools are allowed to hide behind religious affiliations to entrench discrimination against same-sex attracted students and staff. In fact, these schools can advertise for new staff without informing potential new staff that if they are same-sex attracted they will be subject to this discrimination themselves.

Research tells us that if young people are supported at school we will see less homophobia and bullying. Just this week we have seen the tragic consequences of bullying in schools. It is time for all celebrations—be they school formals, weddings or other events in life—to be inclusive of same-sex attracted South Australians.

LIQUOR LICENSING ACT

Notices of Motion, Private Business, No. 1: Hon. G.A. Kandelaars to move:

That the regulations under the Liquor Licensing Act 1997, concerning Dry Areas—Long Term—Aberfoyle Park, made on 8 September 2011 and laid on the table of this council on 13 September 2011, be disallowed.

The Hon. G.A. KANDELAARS (15:54): I move:

That this order of the day be discharged.

Motion carried; order of the day discharged.

The Hon. R.L. BROKENSHIRE: Sir, I draw your attention to the state of the council.

A quorum having been formed:

SELECT COMMITTEE ON HARVESTING RIGHTS IN FORESTRYSA PLANTATION ESTATES

The Hon. R.L. BROKENSHIRE (15:55): I move:

That the interim report be noted.

Many members will possibly want to talk on this interim report when parliament resumes in February next year, and I will speak further to the select committee at an appropriate time when we are in a position to bring up a final report. However, I think that given the circumstances at the moment, it is important to spend some time talking to the interim report.

Firstly, I would like to acknowledge our parliamentary colleagues who were on the committee. There have been some changes due to certain members being promoted to ministerial positions, but they have been ably replaced by other government members. We have been meeting as regularly as we can to do our work as quickly, but as diligently and thoroughly as possible.

I need to put on the public record that it was not a unanimous interim report. It was a majority report but, as you would expect, government members—and rightly so from their point of view—did not support the findings of the majority of the committee. The committee felt that it was important that this interim report be tabled to the parliament before we got up at the end of this year for the Christmas and new year recess, so again I thank all colleagues on the committee for their efforts.

One of the reasons the majority of the committee thought that we should report is that, whilst we were doing our work as a democratically elected select committee, the government, mainly through the Treasurer, was proceeding quite rapidly with further developments in getting the forests ready for sale. About two weeks ago, the EOI was advertised and a press release was issued associated with the preliminary advertising for expressions of interest.

Not long before that, we also saw Hancocks (an international company, I think, primarily in the business of superannuation) approach the ACCC on the basis that they wanted to get a sign-off from the ACCC (similar to the action that Coles took before they started their 'down, down and staying down' campaign) to see whether or not the ACCC would approve the company as a purchaser, albeit that they had recently purchased other significant forestry assets in Australia, and they did that in a way whereby they looked at bringing in a partnership under an MIS, and I understand that the ACCC has proceeded down the analysis track for that international company.

Therefore, we felt that it was important for people not only in the South-East but right across South Australia. I know that the South-East has particular concerns about risk factors when it comes to the privatisation of the forests, but I can tell you that, having spoken to many people right across South Australia, including those in the metropolitan area and in marginal seats, there is a lot of interest and quite a lot of concern as to why the government would be privatising three forward rotations. In fact, the time period for these three rotations is well over 100 years.

The Treasurer said that he would take note of the recommendations made by the round table he had set up and attempt to accommodate them within the context of the government's forward selling the three rotations. Also, we were in the middle of our deliberations, and we felt that it was important to make sure that all South Australians had a chance to look at the report.

The first recommendation I want to speak to was supported by the majority. Again, to be fair and to make sure that it is clear in *Hansard* for all who read it, there was not absolute agreement of the committee; two members did not agree. However, the majority did agree to the first recommendation that the sale should not proceed, based on the evidence. When members have a chance (and hopefully they will) to look through the interim report, they will see that the overwhelming evidence was against the sale. In fact, the only support for the sale was from Treasury and that was it.

If you analyse the evidence given down in the South-East by ForestrySA, including from the head of ForestrySA, Mr Robertson, and also the then chairman of the ForestrySA board, Mr John Ross, you will see that, whilst they were very careful in their evidence, it is clear that ForestrySA itself also had huge concerns about this privatisation. In fact, it is fair to say that, from the evidence in this report, it is pretty clear to me that Treasury is absolutely dominating when it comes to this and that ForestrySA, with all the expertise—

The Hon. D.W. Ridgway interjecting:

The Hon. R.L. BROKENSHIRE: —with all the passion and with all the delivery of the benefits to the state so far, really was silenced, as the Hon. David Ridgway said.

In summary, the reason the majority of us put as No. 1 that the sale should not proceed is that it is clear that this is one of the very few jewels left in the crown of South Australian taxpayer-owned assets. I think that it is unfortunate that legislation does not have to come before this house. I know that some members of the government say, 'Well, Brokenshire was there when ETSA was privatised,' and that is true. However, it was a completely different ball game when ETSA was privatised. It is not financially a very different ball game now. I will not spend time on that now; I will spend time on that when we debate a motion I have about the former premier.

Notwithstanding that, at the time ETSA was privatised, the state was coming out of the State Bank situation. It had high debt, and it had been through a very difficult time. On top of that, the then prime minister, the Hon. Paul Keating, for the right reasons, although it does not seem as though it has panned out that way for electricity users when it comes to their power bills, believed that they had to break up monopolies and set up a national power grid and corporations and entities within the power industry. It was a different ball game.

It is not the case with the forests. There is no federal push to do anything like that with these forests. In fact, I put on the public record that for three centuries these forests have been owned by South Australian taxpayers. As custodians over those three centuries, whether it has been a Liberal or Labor government in office and whether it be the old woods and forests

department or now ForestrySA, they have not only ensured that those forests have remained but also ensured that there were growth opportunities in that estate.

Over that period of time South Australians have, generally speaking, done very well when it comes to financial dividends from our forests. There were exceptions to that. The Ash Wednesday fires—many people may have been down there; I remember seeing them—devastated a lot of the asset of the government at that time. It was horrendous. There was also a fire after that, in more recent years, that wiped out quite a bit of forest as well, because I remember flying over it when we were down for the community cabinet.

The point is, notwithstanding those difficult periods where a lot of the forest was effectively wiped out, that they have still been able to provide excellent returns on investment to Treasury over the greatest part of even that period. In fact, in some of the evidence in the interim report members will see that whilst the ballpark figure for net return to Treasury over probably the last 10 to 15 years was around $40 million to $43 million, in the not too distant future ForestrySA projected, and gave evidence to the committee, that they felt it would not be too long before they could return $50 million a year and still see growth with respect to net returns to Treasury.

It is interesting that the annual report has just come out, as well as the Auditor-General's Report, and I note that in the last financial year $48 million has been returned to Treasury. On top of that ForestrySA has been able to accumulate $17 million in an account as part of its self-funded insurance liabilities. It has been able to put that aside, and it has been able to develop a state-of-the-art firefighting fleet which not only looks after ForestrySA and its estates but is also able to assist National Parks and Wildlife with native vegetation ownership there as well as other forestry investment and farmers' investments in that region.

When it comes to critical incident management, the majority of people who work even in the head office of ForestrySA in Mount Gambier are highly trained to assist in the management of a critical incident. These are all what would be called community service obligation benefits that have been there for a very long period of time when it comes to ForestrySA and what it delivers for what might be described as the public good.

It also became quite clear from the evidence that once you shift from the South-East—and the South-East is the jewel in the crown, as I said—there are other forestry responsibilities and obligations and other government-owned reserves and parks, through the Kuitpo Colony area of the Mount Lofty Ranges, a little bit down at Parawa and then quite a bit up around Willaston and those areas in the northern end of the Mount Lofty Ranges, and also through Wirrabara in the Mid North. ForestrySA was also able to fund the management of those.

Colleagues might say that they expect them to, but the point I am highlighting here is that they do not return net to the Treasury. They are probably going to become a liability if this privatisation occurs and, from the evidence that we were given, it appears that Treasury has not factored that liability into its decision on the sale. In fact, it hit me quite clearly during the evidence—I probably should have woken up to this a long time ago, because sitting around budget bilaterals you watch with interest just how Treasury works, but never before has it been so clear to me that Treasury really wants to get rid of as much asset as it possibly can. It wants to cast it adrift.

It will put up with the fact that there are certain things that they have to own and provide, such as hospitals and schools and a few of those things, but wherever they can, as I see it from the evidence given, it wants to get rid of assets. Basically, it wants to be more focused on managing income and expenditure on a cash flow basis year-in year-out and get rid of any potential risk. In fact, that is where I come to the next point and the reason the majority say that we should not proceed with the sale.

I refer not to the two honourable colleagues who have recently been appointed as replacements, but one who has recently retired—someone for whom I have a lot of respect and who is a former minister for agriculture, fisheries and forestry—and that is the Hon. Paul Holloway. One of the things that Paul had in his mind, which had obviously come from Treasury, was that we really need to get rid of this because it is a risk. It is a risk; it is a risky business. It is a risk and we should discard it, cash it in, get whatever we can from it and go from there.

Only as recently as just over a week ago or in fact the same day that this report was tabled in the parliament, the federal committee chaired by someone who knows a bit about forestry, I would expect—he is a member of parliament in the House of Representatives, a Mr Adams; I think he is the gentleman with a big beard from Tasmania—

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

The Hon. R.L. BROKENSHIRE: Dick Adams. Dick is the chair of that federal committee which handed down a report into forestry as part of its work as the federal parliamentary committee for agriculture, fisheries and forests. It is interesting, and I encourage colleagues to get on the internet and have a look at it, but they are saying that we are about to see one of the most exciting opportunities for forestry that you could ever imagine. In fact, they project that we need to expand our forests by a very large extent to accommodate the growth in demand in Australia for timber product.

Of course, parallel to that, we have seen an increase in timber imports into this country. When it comes to radiata pine, from all the evidence given to the committee, South Australian radiata pine and a little bit into Victoria as well, to be fair—that Green Triangle area there, the South Australian Lower South-East/Mount Gambier region and into Victoria is apparently arguably some of the best radiata pine softwood timber-growing country that you would find anywhere in the world, so there is opportunity there for expansion.

When members look at the report, the government department or one department, mainly—Treasury—said in evidence that there are limitations on how we can expand and we need to expand and whether the government really want to do that or not they were not sure, and yet Treasury did still sign off and approve over a million dollars for purchase of additional land in this last budget that we are working through now and also, before that, they always had money there each year to buy more estate.

To be fair, it was a bit difficult to buy for a while because when the MISs were fully on with respect to blue gums, they were just outpricing farmers and Forestry SA in buying the land but, since the government has made his decision to privatise the forests, MISs have fallen over and, in fact now they are talking about plenty of potential to buy existing blue gum plantations to fell those or mulch them in depending on their size and then to actually be able to plant them up with radiata, so there is actually an opportunity, different to what Treasury has been saying, for growing the estate.

The other final two reasons at the moment—and I will not spend too much more time on this, but I think it is important—came up on Monday night at Mount Gambier when I was down there for what I thought was going to be a public meeting, but we will not go into that now. There were a few of us there who thought we were actually invited to speak, and one of those was Brad Coates. Brad Coates is a former Labor candidate for Mount Gambier, I think in 2006 or 2010. He is a decent bloke, and he also heads up the union down there. He knows forestry.

He made the point that we need to see a plan on how we can grow our forestry in the South-East. He made a point also that there were already jobs disappearing, and he was very concerned about that. He was particularly concerned about what might happen in the future, because part of the concern about retaining those jobs and growing those jobs is: what is going to happen to the public ownership?

At the end of the day, public ownership is the major stakeholder. Forestry SA is the major stakeholder that underpins all the forestry, all the silviculture in the South-East. When it comes to R&D and coordinated approaches to managing and growing the forestry estate in the South-East, it is ForestrySA that is doing that. The government, in evidence, cannot guarantee that it will keep ForestrySA in the South-East. It cannot guarantee any jobs, not even for 10 years, yet we are talking about privatising for over 100 years. I think colleagues can see the concerns there. That was number one.

The majority of the committee felt that there needed to be some fallback position because some of us hope that the government will do a backflip on this. One of the reasons that has come out publicly through Treasury is that we need to sell these forests because we have to hold the AAA credit rating. In fairness, that has not been said since the Hon. Jay Weatherill has been Premier; that was said when we were looking at all of this when Mike Rann was premier, but the same Treasurer, the Hon. Jack Snelling, was there. It was indicated that we have to sell this because this is integral to holding the AAA credit rating.

When we heard some evidence from Treasury—and I would like to see Treasury come back now we have more time, given we have put this interim report in—they said, 'Yes, the retention of the AAA credit rating is very important to us. However, we have contingency plans. If, in the end, it doesn't sell, we believe we have contingency plans to still hold the AAA credit rating.'

From that point of view, you would have to say, 'Why sell it then?' If you have other contingencies and this beautiful amount of money coming in and growth opportunities, why sell it?

Since then, we have seen the new Premier come out and say that we may not hold our AAA credit rating. If we are not going to hold the AAA credit rating and go to a AA plus or something like that, then why sell it? We might need the money to help repay state debt from a cash flow point of view into the future. I put that on the record.

If the government has its head so far in the sand on this issue, I think there will be a big risk in the marginal seats. If the government goes ahead with this sale, I have to say that I do not underestimate the tenacity, capacity, vigour and desire of the people in the South-East to mount a campaign right back into those marginal seats at the next election. I would not be surprised if we saw big log trucks running through marginal seats with very big messages about privatisation in the last week or so, when it really counts, in those seven marginal seats.

The government thinks, 'This is only going to affect the South-East, so we'll do this. We'll sell it out, we'll do it, and that will be it. We'll get it done and dusted. That's why we're pushing hard, because we can probably get this sold by March or April, May at the latest. We'll have the money in early in the next financial year and everyone will forget about it by the election, which is not until March 2014.' But the South-East will not forget about it.

I say to the government: if you want to be re-elected—at the moment, whilst I am not a gambling man, my analysis would be that it is line ball or maybe the government is a seat or two ahead—I would not be risking a seat or two and out of government, if I wanted to hold it, for $500 million or $600 million, when you have about $9 billion worth of core debt coming at you by about the next election. I think it is pretty close to that figure. I put that on the public record as something the government should consider.

If the government still goes ahead, we have said that 20 per cent of the proceeds of the sale be placed in a legislated ForestrySA forward sale legacy fund to fund social and economic stimulus activity exclusively in the South-East. I do not see how a government can put at risk a whole region. Sure, there are arguments about the global financial crisis, all the worries in Europe and all the rest of it at the moment, and I acknowledge them to an extent. However, the economy and what is happening in Mount Gambier and the South-East at the moment is absolutely terrible, and they will need some assistance. That area has been part of the significant rural engine room of this state since it was first cleared and settled.

We are arguing that there should be a fund. There are already things like the Riverland Futures Taskforce. We do not know if they are going to sell it for $500 million or $600 million—maybe $650 million; maybe less than $500 million. However, we know from the evidence given to us by people who are very highly qualified, like Dr Jerry Leech, that if you sold it for under a billion dollars you would be giving it away, and that its value is probably more like $1.1 billion, at least. That is if you are just trying to capitalise on the current value, not from the point of view of where your overall benefit might be with the money you put up-front to reduce your interest component through Treasury as against the growth opportunities for forestry in the future. We in the majority said it should be 20 per cent.

The South Australian government must fund whatever remains of ForestrySA to maintain and ensure the existence of state-of-the-art rapid responsive firefighting capabilities. There are a lot of recommendations here but I want to touch on that one. I will not go through all the recommendations because my colleagues are busy today; however, they all have a copy to read. This one is very important because the CFS volunteers said that they cannot look after the fire risk in the South-East or, indeed, any of the other areas where the South Australian government owns forestry, unless the government makes sure that the minimum we have is the standard that we have now with no reduction whatsoever. That is a very important consideration.

One of the other considerations that has been recommended in section 2 by one of my colleagues is that, if the sale is to proceed, the report of the round table should be published prior to the sale. There is no doubt about that. The government is putting a fair bit of pressure on the round table to compromise and appease people but still assist with the government's intent. I am worried about that because, although I have no absolute evidence on it, when you go down to Mount Gambier and walk around the streets, people feel that the round table is under undue pressure from Treasury, and I do not think that is good, and certainly the Hon. Jack Snelling should ensure that it is published.

That is one of the reasons we did not make a final report now. We could have put in a final report but our colleagues need to know that we have not finished with our recommendations at this time. The other reason we did not make a final report is that we have been trying to get documentation from ForestrySA on board minutes. I am not allowed to talk about these in detail because they have only just been received but they are being published at the moment (or may already be published) and so everybody can look at them for themselves.

The point I want to raise is that we had to make an interim report because we were waiting for ForestrySA board minutes and we were only able to table them today. I thank my colleagues on the committee for their cooperation so that they were tabled today. They were held back because someone decided that they needed to have the Crown Solicitor's Office and crown law go through them to see that there was nothing that might have been against the issues of commercial-in-confidence and cabinet submissions.

We also looked at issues around raw log, ensuring that there are guarantees of provision for local processing mills because more and more raw log is already being taken down to Portland and exported. We had anecdotal evidence—I highlight that it was only anecdotal and I would like to see some factual evidence—from the South-East where we were advised that up to 50 pulp mills are being built on wharves in China at the moment and that they will be very hungry to buy raw log or basic log and, of course, there is a lot of concern in forestry about that.

We have also said that, if the forward sale proceeds, the state government should conduct a full and proper consultative and transparent regional impact assessment within 18 months of the date of sale. There is a further recommendation that, where possible, the conditions identified by the round table to be placed on the forward sale of forest rotations should be incorporated into the Forestry Act 1950. That is a good recommendation in my opinion. It shows the concern that some members on the committee have for the future of forestry and how assured we will be of the roundtable recommendations being adopted.

One of the reasons for the regional impact assessment recommendation is that to this point we do not have a regional impact statement. ACIL Tasman did what they had to do within their terms of reference and they did what we would call preparatory work for a regional impact statement. Treasury had to complete that and, as best I understand from the advice given to us, that has not been completed, nor has a net cost-benefit analysis. In fact, I believe the evidence from Treasury says that they will do that once they have had a look at the EOIs. I find that extraordinary, frankly. I felt that you would have been doing all your modelling, you would have had a look at all the pros and cons of this proposal and you would have known exactly what the net cost-benefit analysis was telling you.

I also want to highlight one or two other recommendations that the majority felt were important and that is:

> That the Auditor-General:
>
> (a) investigate and report to Parliament on the current forward sale process with full disclosure:
>
> (i) from Treasury on the extent of its own Regional Impact Assessment…
>
> (ii) of any full-cost benefit analysis conducted by or for Treasury; and
>
> (iii) of the forestry estate's harvesting rights' various valuations, over time and during the sale process, proposed reserve purchase price and ultimate sale price (if reached before the conclusion of the Auditor-General's investigation).

I think this interim report is a good report. I have a lot of time for the Hon. Jack Snelling as a person and he is under the pump at the moment, but he has just dug in and said, 'We're going ahead with the sale and that's it, and we're not going to take any notice of the select committee.' I will ensure that the community knows about that later on if this privatisation does continue, because I thought that we were away from the arrogance now, that we were actually into consultation, that we were seeing the odd backflip, some half backflips, and certainly seeing a Premier moving more through the regions.

I put this on the public record for the Hon. Jack Snelling to answer: if this was his own asset, if his family owned this, would they privatise it? Would they actually make this decision to go out and privatise it if it was owned by the Snelling family? I don't believe so. Why would you privatise something that is delivering such a magnificent return to the people of South Australia,

that underpins 5,000 jobs or more in the South-East, that has the opportunity to grow, to return more investment to the South Australian community?

With renewable energy opportunities coming forward into the future, with the carbon tax and climate change policy and legislation we are now seeing coming through federally, I just have to conclude by saying that I see from the evidence given in this interim report that it is a very bad decision to privatise these forests. It is the wrong decision for the South-East, it is the wrong decision for South Australia, and it is certainly the wrong decision for future generations.

I will be the first person to come out and congratulate the Premier, Jay Weatherill, if he comes out and says he has had a look at it. He is now the Premier—and he has said this on a couple of other occasions already—and he has weighed it all up. He has an economic background, as well as a legal background; he has weighed it all up and he is going to withdraw this, because there are other ways of managing it.

There are other ways of managing it. Sure, when you have high debt sometimes you have to sell off the back paddock, find a back paddock there that is not paramount to your farm. You sell that off, but you do not sell your best land, you do not sell what is generating the income for you. South Australia is starting to sadly lack in economic generation net returns that are significant to the state government.

The Hon. Jay Weatherill is going to Mount Gambier on either 8 or 9 December, as I understand—that is next week. Now, the Hon. Jay Weatherill is going down there with good intent; there is no doubt about that, I am sure. Part of the reason he is going down there is because there is a lot of criticism that the former premier just would not go to Mount Gambier to discuss this issue.

I understand that the Hon. Jay Weatherill is meeting with a number of key stakeholders when he is down there. If he goes to Mount Gambier simply to say, 'Well, I have been down and visited,' or if he goes down there and makes an announcement about new lights on a commercial road, or a bit of infrastructure like that, that will not appease the people of the South-East.

The Hon. Jay Weatherill needs to go down there having looked at this interim report—and it is important that the Premier does look at this interim report before he goes to Mount Gambier because, contrary to what Treasurer Jack Snelling has said, this report is the most detailed information transparently available to the public and the Premier that has been provided so far.

It is clear from evidence, as we developed this interim report, that Treasury has not done the work that we have done, and Treasury is just out there, wanting to sell this at whatever price it can get. If Treasury ends up selling this for $300 million or $400 million, there will be war over this matter—that is how I see it.

Members interjecting:

The Hon. R.L. BROKENSHIRE: Seriously, there will be a political war—

Members interjecting:

The Hon. R.L. BROKENSHIRE: There will be a political war in this state from now until the next election, because people are sick and tired of privatisation. They are sick and tired of fire sales and lack of management, and that is why I say there will be a political war. Mark my words. How dare Treasury sign off on pretty much anything they can get for this? I say to colleagues: do a little bit of homework on how much the Queensland forests sold for. Do a bit of homework on that; have a look at how much they sold that for, and have a look at what we may end up getting if this is privatised.

In conclusion, I also want to acknowledge—and I will not name them—the parliamentary and research officers who have been so busy, committed and professional in the way they have gone about their duties. We still have a way to go, and I believe that, as the debate continues, the committee will need to meet a few more times. I will be suggesting to the committee that there are some witnesses we need to get back, particularly from Treasury, because I think there are a lot of questions that have not been answered by Treasury.

Finally, I appeal to the government to have a close look at this interim report and to halt the sale proceedings until they at least see the round table recommendations and the final report of the select committee. Again, I thank my colleagues, and I commend the interim report to the chamber.

The Hon. D.W. RIDGWAY (Leader of the Opposition) (16:33): I rise to speak to this interim report of the forestry select committee. It is unusual that we have a compilation, if you like,

of recommendations; some proposed by the Hon. Robert Brokenshire, some proposed by the Hon. Gerry Kandelaars, and obviously, some proposed by me—so, I guess, Family First, the Liberal Party and the Labor Party.

The Hon. John Gazzola mentioned at one of the committee meetings that this was a silly thing to do, that we would look foolish, and we should not be tabling the report in this way. I do not think that we are foolish, and we are not silly. It is a little irregular to table a report where you have a group of recommendations, but the majority of the committee felt that it was important enough to actually get these recommendations out there so that the community can tell who was actually serious about sticking up for them, rather than those on the committee who would just roll over, have their tummies tickled, and do what their superiors in government ask them to do. This announcement, which promulgated the formation of the round table, came earlier this year with Treasurer Snelling announcing that the forward sale of three rotations would go ahead.

It is rather interesting. The Hon. Robert Brokenshire spoke about other ways to manage the finances and other solutions. He mentioned that the Premier, the Hon. Jay Weatherill, comes from an economic background and that Treasurer Snelling was under the pump. I reminded him that nobody forces Treasurer Snelling to do this job, and I do not recall seeing anybody—any soldiers or any army in the street with guns—forcing any of us to do this particular job, but you have to put it into context. This is a party that is in power, selling our forests. Their own party had a hotel in Port Adelaide that has gone broke. Of all the places in this state to have a hotel that then goes broke—if they cannot run a pub in Port Adelaide, then clearly our state's finances are at risk.

This decision was made on the back of a decision by former treasurer Foley to, as he claimed, investigate the forward sale. We heard evidence, and I will come to a number of the pieces of evidence we heard. We heard anecdotal evidence. I was not in parliament or in government. Treasury has for some time put that up as one of the options for government to consider, and the former Liberal government chose not to ever accept that option. There were some tough decisions made by the former Liberal government, but they were not prepared to sell out the people of the South-East.

Of course, during that whole process, when the former Liberal government was making tough decisions, the former member for Mount Gambier, the Hon. Rory McEwen, was elected to parliament and, of course, he was forestry minister at the time this decision was made. I recall the premier, when the Hon. Rory McEwen and the Hon. Karlene Maywald were made cabinet ministers, saying, 'This is my rural conscience, my country conscience, in cabinet, because we don't have any country members in cabinet from within the ALP.'

This was a way of making sure that there was somebody within cabinet sticking up for rural and regional South Australia. I think it was a very clever ploy by former premier Rann because this certainly portrayed to the community, especially the rural community, that they did have a couple of people on the inside who would stick up for their interests. I would just particularly like to refer to some of the comments the Hon. Rory McEwen made. He made an opening statement, and I will just quote from *Hansard*. He said:

> Kevin Foley...Thank you, David. Kevin said to me, 'How would you feel about selling ForestrySA?' I said, 'Over my dead body. You know where I stand.' He said, 'Only joking. I knew that's how you felt. Besides, we agree because we've got a no privatisation policy.' But then he said, 'What about having a look at another way of using the revenue stream? If we hold an investigation...using the revenue stream, how do you feel?' I said—

this is Rory McEwen—

> 'I don't have a problem with that. It's going straight into consolidated revenue.' My thinking at the time was that, if we do an inquiry into that, here is an opportunity for us locally to say, 'If you want to use that revenue stream differently, we wouldn't mind hypothecating a bit of it and using it locally.' So, there was a little bit of community self-interest in saying, 'I've got no problem with the inquiry into looking at the revenue stream, but don't go and announce it'—

That was what he said. Then, of course, it changed. Mr McEwen went on and spoke about some other matters, then he came back and said:

> I then said to Foley, 'Make sure...that, if you're going to say anything about using the revenue stream differently off the balance sheet—on the balance sheet we'll simply borrow the money and use the revenue stream for service if that has an impact in terms of debts and equities', and all that public accounting stuff that I don't understand. I said, 'But make sure you qualify this here and now. Make sure you say...it's not about outsourcing [the management of] ForestrySA, it's not about selling the trees...it's not about selling the land...it is only an investigation.' That was all done.

We can see from that point in the discussion that the former minister and former local member, the Hon. Rory McEwen, made it very clear to us. I suggest that either he did not make himself clear to

the Hon. Kevin Foley or the Hon. Kevin Foley did not make his intentions clear to the Hon. Rory McEwen, because it certainly appears from the evidence that Mr McEwen gave that he was absolutely opposed to the sale, although he did say that he did not understand all that public accounting stuff. So maybe he did not understand some of what was said in that conversation.

However, clearly, in the early days, somebody was misled. It was either Mr McEwen who was misled by Mr Foley and the rest of cabinet, or Mr McEwen knew exactly what was going on and was not straightforward. Those who saw any television coverage would know that he and I had a robust debate in the select committee. I think he genuinely does not want the forest sold; he may well have been just a bit quiet when all the negotiations were going on. He then went on to say:

> Things might have changed. Obviously, I have been out of [cabinet] for 2½ years, but I just want it clearly on the record what happened at that time. There was some argy-bargy between my chief of staff and Kevin's chief of staff about the wording. I didn't want the wording to be able to be misrepresented, and forward selling three rotations I thought was gobbledygook. I don't think anyone to this day knows what that means.

Sadly, we do know what it means: that the South-East's asset is to be sold. He went on:

> At least I was comfortable to know that it did not mean outsourcing the management, selling the trees or selling land, and it was only an investigation that would last for 18 months. That was December 2008.

At the select committee I sought all of the notes and correspondence in relation to the—as he described it—'argy-bargy between my chief of staff and Kevin's chief of staff'. Sadly, on my understanding, and I think I am correct, we have never been provided with any of that correspondence or the argy-bargy, shall we say.

If it was of that much importance that the former member for Mount Gambier (the Hon. Rory McEwen) was concerned about the wording, you would think there would have been copies of the draft wording, draft statements, press releases, etc., so that he was comfortable with the wording.

The Hon. J.S.L. Dawkins: Did it exist?

The Hon. D.W. RIDGWAY: My colleague the Hon. John Dawkins interjects—and I know it is out of order, Mr President—that he wonders whether that ever existed at all. The local member (the minister at the time) said that he did not support the sale, yet, since then, the sale has gained momentum. The government's intention is to gain momentum.

The other thing I come back to is who misled or misunderstood whom. It is my understanding, and the committee's understanding, that the forward sale was factored into the forward estimates for the purpose of holding on to our AAA credit rating. If Mr McEwen was of the view that it was just a creative look or a study into the revenue, how could that then be looked upon by the ratings agencies as absolutely guaranteed to be available in the forward estimates to reduce government debt. The two statements do not have any correlation. I do not know how Moody's and Standard & Poor's can look at a figure that was, in the minister's view, just an investigation. Yet they have taken it to be factual and that it will be in the forward estimates.

I think there are some important questions that have not yet been answered by Treasury. I certainly hope—as the Hon. Robert Brokenshire said—that we will have Treasury back to give us some more evidence and to have some more scrutiny. I think there is a period of time where there have been two different points of view about exactly what has been happening.

Mr McEwen said he never agreed to it. Maybe he should have jumped up and down a bit more. We understand that really nothing was announced. If we look at that study, it culminated, and the announcement was made after the Hon. Rory McEwen retired from parliament. I guess in that sense he was well out of the way. I was opposed to it; I did not support it. Of course, he blamed the zealots in Treasury.

The Hon. Rory McEwen should have been more vigorous and pounded the desk more, and he should have been alert to it. He was around in parliament and in public life in the South-East for the last 20 years. He would have known that the zealots—as he expressed it—in Treasury had always been after it. To allow an investigation and to agree with it, to me, just seems crazy. It is interesting that we saw the Hon. Jane Lomax-Smith excused from cabinet to criticise cabinet decisions. It is interesting that the Hon. Rory McEwen either did not seek to be excused or was not excused, and you would have thought this would have been the perfect opportunity for him to defend his community's major asset by excusing himself from cabinet to attack the government.

We heard from a range of witnesses. They were local experts, local government people, businesspeople, the CFS and Treasury. Of the local experts, I think the one that had the most credibility was Dr Jerry Leech, who is an expert on assessing the values of standing forests. He gave evidence on a number of occasions and spoke in the media on a number of occasions. I suspect that, if there are competing bid teams wanting expert advice on the value of the forest, they will be using his expertise.

He indicated that the asset was significantly undervalued, if the figure of about $600 million, maybe $700 million at an absolute maximum—and that is an absolute maximum price that was ever given to us in evidence that it might be worth. He indicated, as the Hon. Robert Brokenshire said, that in his view the asset was worth between $1.1 billion and $1.2 billion. On the pure raw figures of an asset that returns $45 million a year to Treasury, and to sell it for $600 million (for the purposes of this argument) which is roughly 15 years of revenue, and you are selling 100-plus years for 15 years, just does not make sense. It is the bargain of a lifetime.

It seems rather strange that the very top figure we were ever given was $700 million. Off the record I was given a figure that could possibly be as low as $300 million. It is a tragedy; the forestry asset should not be sold at all. I just hope that the state's finances are not in such a disastrous state that Treasury and cabinet finally sign off on a sale that is just a fire sale. Even at $1.2 billion, if that sort of figure was achieved, it is something you should not entertain when we are looking at over a century of activity within the South-East to build this asset only to then sell it and put it off to another owner with some uncertainty about the future.

Members will recall when the Treasurer announced the sale, he appointed a roundtable—not straight away, though. There was some community pressure. I think the former premier was feeling some heat about the decision, so they announced a South-East Forestry Industry Roundtable. That roundtable was made up of some community stakeholders; I think Brad Coates from the union was there; there were some timber mill people. I cannot recall the exact make-up, but I think it was a very representative—

The Hon. R.L. Brokenshire: Mayors—one of the mayors.

The Hon. D.W. RIDGWAY: A couple of the mayors—I think it is very representative. We are certainly not critical of the composition of that roundtable. What I am critical of is that you had to sign a confidentiality agreement and they are not able to discuss that outside, not allowed to talk to anybody and not allowed to provide a copy of their recommendations, even to our select committee. At the end of the day, the community really does not know whether those recommendations arrived at by the roundtable will ever be taken into consideration. I will come to that when I speak to the three recommendations that I proposed.

We spoke to local experts and it was easy to see that this sale, if it was to go ahead, would be at such a massive discount to what the asset is worth that it really should not be considered. Local businesses also gave evidence—the hardware businesses, saw millers, transport operators. They were all very concerned. The hardware industry was concerned about the supply of building timber. This is a great source of framing timber for the housing industry. While we do produce a lot of iron ore—and South Australia will produce more iron ore, I suspect—iron ore is a component of our exports and, at the end of the day, they saw that as a real risk to their industry to have to import framing timber. We already import some. There was a risk that if logs were exported and less timber was milled into framing timber, then there would be a risk to the quality of housing and also to jobs in the South-East.

Other local businesses, which I think is important, and I am not sure whether the Hon. Robert Brokenshire mentioned this, are the family owned sawmills. When the Liberal government sold a couple of the mills, what happened is that all of the second grade timber was pushed up into windrows and burned. Once these other mills were sold then, of course, ForestrySA had a commercial agenda, and you have three or four smaller mills that have come up, if you like, milling the second grade timber.

We met with the Whitehead family and we also met—I cannot remember the name of the business—the Forster family, who are out towards Glencoe. Those small businesses, to keep pace with competitors, need to be able to invest in new equipment and keep up with the latest technology. If they do not have a guaranteed log supply then they are not able to go to the bank. One company said to me that they have contracts for seven or eight years (I think), they had gone to the bank with a proposal to invest in some modern timber milling equipment and the bank said,

'Well, eight years isn't really enough. It is a bit uncertain. We would like you to have 15 or 20 years supply of logs.'

The awkward situation they find themselves in, as a small business, is that they have young family members who have finished secondary school who are wanting to bring some business acumen from university into the business, yet there is this uncertainty because of the supply of logs. So, the real concern these people raised with the potential sale is: are the logs still going to be available? Is a future owner going to export them all? We have heard evidence that that is unlikely to happen, but with things that are unlikely to happen, you just never know.

So, this potential forward sale has created a lot of uncertainty in the community. Local transport businesses were equally uncertain as to how it would affect them, what was being done in relation to freight movements and which businesses would get a chance to expand and which businesses would lose opportunities. It was not just the guys who might work in the timber industry, it was a flow-on effect right across the whole community.

One other issue that was raised was the fire risk. I think that is a little underestimated by people. We should not forget Ash Wednesday, and I think none of us do forget, but as things are more distant in our memory, the magnitude and the impact it had on the community is somewhat diminished. We heard evidence from local councils and the CFS that they were very concerned about the firefighting capability of the new owner. If a new owner is to own the forestry, will they provide the same level of fire protection?

ForestrySA does not only protect its forestry asset, it has an advanced warning system where it actually protects (I think) about 400,000 hectares of grassland, or farmland, beyond the forestry asset, because it is much easier to stop a fire out in the grass area than it is once it gets into the forest. There does not appear to be any commitment from anybody as to whether that will be maintained. There is a view that it should be maintained but there does not seem to be any guarantee that it will be maintained.

It is also of concern that, if the firefighting capability is reduced within the forest because of the sale, the CFS does not have the capacity to fight forest fires because they are bigger and more ferocious and different equipment is needed. It comes back to personnel. Nearly all of the ForestrySA personnel based in the South-East are trained in firefighting, so when there is a red alert day of 40 degrees and there is a hot north wind, they are all on stand-by and on call to be available. If the number of staff is reduced by a future owner then that capability is not there and the community is more at risk.

If the Hon. Gail Gago goes to Mount Gambier, which she has assured us she will do—maybe she will go down with the Premier in the next few weeks—she will probably fly there and as she flies in she will see that the township of Mount Gambier has a significant amount of forestry around it. So, if there is a risk of fire then we are likely to see a risk to human life as well. Some would say, 'If a new company owns the forest and they can't put out their fire, that is their loss and their problem,' but I think it puts an unacceptable risk on other private property, livestock and also human life.

In the evidence we will also heard from Treasury. They gave evidence to suggest that this was about retaining our AAA credit rating and it was an important factor. They said they would have a reserve price. I certainly can understand that they would not want to make the reserve price public because that is probably the only bit of information floating around that is commercial-in-confidence. It was about retaining the AAA credit rating.

It appears now, from commentary made by the Premier and in other statements, and I read some information in the *Financial Review*, that the financial media are now starting to downgrade South Australia, and I suspect that, even though Kevin Foley said it was something that would never happen again, we are on the cusp of losing our AAA credit rating. The forestry sale is already factored in so, if it is factored in and we are going to lose it, does selling this asset really achieve the outcome the government wants, given of course that it is likely to be sold at a significant discount from what it is really worth?

We also heard from ForestrySA. The chairman of the board, John Ross, and Islay Robertson, the CEO, came and spoke to us. I thought the evidence they gave was interesting. I almost could not understand it. As with some other commercial activities of government, the government set up the board of ForestrySA consisting of people they think have the capacity to operate and run that asset profitably, almost free of political interference so that the political argy-

bargy is taken out of the management of the asset, but they are to run it in the best interests of the South Australian taxpayers and the state.

I was a bit surprised when, early in the evidence, the chairman (Mr Ross) said that the board of Forestry SA had not formed a view about the sale, so I asked him a bit later on to clarify, and I will quote from his evidence. I said:

> I think your earlier statement was that Forestry SA has not formed a view on whether the sale of three rotations is a good or bad thing, or if you support it, on the basis that you have not really seen any of the modelling or the information. What information have you received? I find it a bit hard to understand. You are the body that manages the forest estate. Clearly, from Mr McEwen's evidence, there was an investigation, and over time it has gone from an investigation and use of revenue stream to the forward sale. Under Treasurer Jim Wright says he did not actually understand it.
>
> I am a bit perplexed that this whole process could be going on. Former minister McEwen says he had one understanding, and I am not sure what minister O'Brien's understanding of it all is, other than that now we have reached a point where it appears that we are selling 100 years of timber. I am intrigued as to why you have not been involved and have not played a greater role. Clearly, you are the agency that is at the coal face or at the edge of the forest.

Mr Ross's response was:

> I think that might be summarised, David, in as much as it's how the golden rule is applied—the people who have the gold make the rules, and in this instance it's the government of the day. Treasury have the gold; they have made the rules, it seems to me. I said earlier that I believe that the information that has been withheld from us that we would like access to is, as Treasury says, commercial in confidence, and we have to accept that. I think their view is that, if they provided us with the information and that were to be leaked somewhere, it would affect the bidding process. So, Treasury obviously are keeping a very guarded approach to this.
>
> I suppose I would have to say that I resent to some extent the fact that we are not taken into the confidence of the people who we might be able to help if we are able to provide that advice. But, we haven't been asked to provide advice. The decision that's been made by the Treasurer to announce the forward sale is not a recommendation of our board. We haven't formed a policy on it because we are clearly in a position that we don't have sufficient information to advise the government or go public about it.
>
> I haven't made any public pronouncements about this, and the board hasn't. I have said to the local community and to our employers that the decision has been made by the government but it's not our recommendation. I guess I can't say any more than that, but if we were better informed we could give better advice perhaps, but if the advice is not sought then so be it.

I think that is almost an unbelievable set of circumstances when you have the chairman of ForestrySA, the body set up to manage the asset on behalf of taxpayers at arm's length from the government, not asked for any advice—or was it that the government did not want advice from ForestrySA? It just beggars belief that it was not included, that it was not given any opportunity to comment and that it was not given any opportunity to look at any of the studies or any of the investigations into the forward sale of the three rotations. It beggars belief.

The Hon. Robert Brokenshire spoke of the minutes. We asked for quite a lot of documents from ForestrySA. This select committee met back in May, I think, for the first time. It was certainly before the Hon. Paul Holloway went off and enjoyed his retirement and when the Hon. Russell Wortley was on the committee. They were both backbenchers at the time and not ministers; so, it was certainly earlier in the year. We have been trying for the best part of six months to get information from ForestrySA.

Finally, a couple of meetings ago, we refined it down to, 'We just want the minutes,' and, at the time of this report being laid on the table here last week, we had not received those minutes. I think that we may have received some correspondence since then, but it is not part of this report so I will not speak to that.

What government is doing here is really quite damning of the whole process. You have got the board of ForestrySA and we are not even allowed to look at its minutes. I expect that some parts of it may include confidential information—odd bits of correspondence—but as yet we have not had a chance to look at the minutes of the board of ForestrySA. You have to ask the question: what is the government hiding? I am sure that it is not ForestrySA—it is happy to release it; it will be someone within government, whether it is Treasury, crown law or minister Gago's office.

Of course, she is now the Minister for Forests, although, in questioning her in the last couple of weeks, it does not seem that she is that much across anything to do with forests. I think that, again, it was an indictment on her as the minister and the government when she said, 'Oh, well, that's all being handled by Treasury; I'm not involved.' It is almost unbelievable that she has

not yet been to the South-East (I don't think) to look at the forests and meet with the people. She has no understanding because it is just Treasury.

The Hon. G.E. Gago: Oh, rubbish!

The Hon. D.W. RIDGWAY: She wanders back in from her salubrious leader's office to say that it is rubbish. It is not rubbish, Mr President. She has not been there. She says that it is all to do with Treasury. If you are the Minister for Forests, then you should take an interest and find out what is going on.

I come to my recommendations. I will speak only to the three that I have provided to the committee. The first one is obvious—that the sale should not proceed. The only evidence which we heard and which backed up the support of the sale was from Treasury, which has a particular view of the world and an agenda, and I am not surprised that they gave us that evidence. However, every other person who gave us evidence said that they did not want it to proceed—from former minister McEwen right the way through to all the local stakeholders, the local mayors and the councils. No-one can see any sense in this at all.

My first recommendation from the committee (and I hope that when we do have our final report that we do come up with a condensed set of recommendations) will be that the sale should not proceed and that the whole process is flawed. I know what this government is like. It is not that interested in rural and regional South Australia. It talks the talk but it does not walk the walk, and I suspect that, very, very sadly, this sale will go ahead.

I am a bit like the Hon. Robert Brokenshire. I would be delighted if when the Premier visits he said, 'Well, actually, we got it wrong. This is a mistake and we're not going to sell the forests.' I will be delighted if he makes that statement, but very surprised if he does. We have a round table that has been asked to compile a list of recommendations that the Treasurer said will be conditions as part of the sale. I asked Treasury how they would be factored into the sale.

I think that my second recommendation is that the recommendations of the round table should be made public before the sale goes ahead. We know that they are confidential, or we are told they are confidential, but, as luck would have it, I have a letter to the Treasurer from the round table outlining its recommendations, and I think it is only fit and proper that I now read that into the record.

The Hon. R.L. Brokenshire interjecting:

The Hon. D.W. RIDGWAY: I've only had it for a couple of hours. I will provide this to the committee once I have read it.

The Hon. J.M. Gazzola: It's probably a dodgy document.

The Hon. D.W. RIDGWAY: They might think it's a dodgy document. It is stapled together with a letter from the Treasurer, so I do not think there is anything dodgy about this, Mr President. I will not read the preamble other to say that this is a letter from the round table saying the following to the Hon. Jack Snelling:

Dear Treasurer,

Thank you for your response to the [South-East Forestry Industry Roundtable] correspondence dated August 29th.

Within this correspondence is both the [South-East Forestry Roundtable] reply to your letter dated 6th October and a more detailed outline of the key issues that should be incorporated within the proposed conditions-of-sale of the plantation estate.

I will not read the other bit of preamble. These are the points:

Production Volume

- The purchaser shall honour all existing ForestrySA contractual obligations;
- As supply contract periods approach termination, the volume to be offered to the local industry within 12 months prior to termination;
- Additional volume which becomes available from time to time must be offered to the local industry either as part of a longer term volumes or in smaller short term contracts. All local processes must be able to submit offers.
- When offering the volume to the market the purchaser shall ensure the product specifications and parcel volumes are flexible enough to maximise the range of purchasers who are able to tender.

- Any new Supply Agreements shall have a minimum term of 20 years, unless otherwise agreed by both the purchaser and processor.
- The purchaser shall maintain the net plantation area potential of the Green Triangle ForestrySA estate, understood to be around 80,000 ha of P radiata plantation taking into account the unplanted landbank areas as well as current planted area. The productive capacity of the plantation resource is to be at least maintained to meet current and future predicted volumes. Any potential reductions as a result of carbon credits or water policy changes shall be offset with additional plantings to maintain the productive capacity of the resource.
- The purchaser shall quarantine a minimum of 80 per cent of total available log volume per year (of all log categories), for supply and processing by local processors.
- Based on past performance, this annual volume should include a minimum of 75 per cent sawlog (including recovery sawlog), with a maximum of 22 per cent of pulpwood and/or woodchip and 3 per cent of preservation material.
- The purchaser shall continue ForestrySA's practice of expanding the radiata forest estate (approx 500 hectares/yr) within the Green Triangle Region up to a minimum target estate area of 90,000 ha by 31 December 2020. The above conditions shall apply to any additional volume generated from an increase in the forest estate.

Wood quality

- The purchaser shall maintain all current ForestrySA contractual Terms & Conditions of current Supply Agreements, including product specifications, product diameter proportions and product mix and length percentages.
- The purchaser shall maintain an area-weighted average forest rotation age of 35 years, to ensure maintenance of log size and quality.

Price

- The purchaser shall maintain all current ForestrySA contractual Terms & Conditions of current Supply Agreements, including prices and price adjustment mechanisms.

Competitive Neutrality

- ForestrySA land leased and managed by the purchaser will be subject to full Local Government Rates that are payable directly to the invoicing Council. Under competitive neutrality principles, the new owner of the future rotations should be subject to the same (no less and no more) obligations as other private forest growers in the region. These principles would mean that the new owner should pay fees such as, but not limited to, local government rates, road charges, taxes, NRM levies, fire levies, drainage board levies, FWPA R&D levies, water license fees, and be subject to the same current or future regulation as any other private grower.

Silviculture

- The purchaser shall use the current ForestrySA silviculture practices as minimum standard and apply the best industry practice that meets the criteria and indicators of the Montreal Process for Forest Conservation and Sustainable Management and provide a compliance report to the SA Government (PIRSA) on an annual basis.

Log Exports

- The purchaser shall comply with an export log policy that will have as its basis the requirement to provide resource in the first instance to the needs of the local industry in the South-East of SA. Consequently only one year contracts shall be offered to international log customers, with the proviso that such contracts can be reviewed by an appropriate authority (such as a possible future Forestry Industry Advisory Body) should there be a change in market circumstances. Log exports would be subject to a cap of a 4 year moving average of the past 3 years of export volumes (export figures would be based on those reported by the Australian Bureau of Statistics).

In addition to the above provisions to be incorporated within the conditions-of-sale, there a number of other matters which the SEFIR recommends the SA Government undertake, determine or facilitate which relates to overarching issues such as, corporate governance and compliance, monitoring owning carbon credits and water allocations.

As Trevor Smith wrote this letter:

As Chair of the SEFIR I would like to discuss with you in particular your views and intentions on the following matters:

Corporate Governance & Compliance Issues

- What penalty provisions will be mandated (and policed) for non performance by the purchaser and who will enforce it?
- What penalty clauses will be mandated for non-compliance of the conditions of sales?

- Given the above, will there be a monitoring Structure or perhaps an Advisory Body to report to the Government on monitoring and compliance outcomes and other associated issues to ensure compliance and diligence is being applied by the purchasers.
- Is the ForestrySA Board the relevant or appropriate body to oversee and direct a substantially revised ForestrySA role?

Research & Development and Regional Investment

- The South Australian Government shall establish a level of funding from the proceeds of the proposed sale and any land lease arrangements to be utilised for continued research, development and innovative industry initiatives.

Other

- If forestry receives a water licence who will this go to (the government has indicated in the past it would retain any water licenses), and who will be responsible for any proposed levy payments on these licenses.
- If, for example, due to drought, there is a large decline in water availability and thus a decline in the amount of forest that can be grown, who will inherit the risk, the Government or the purchaser?
- Will the purchaser be required to maintain the land productivity and value over the life of the sale, and how will this be monitored.
- Can you provide Clarification as to how the State plans to retain rights to future carbon benefits if applicable, 'while ensuring that the divestment does not expose the State to unacceptable risks or potential future liabilities'.
- Who is responsible to insure the plantation estate?
- Will the purchaser be required/mandated that it must:

  Provide adequate fire protection, fire management and fire suppression systems over the life of the contract and

  Follow all aspects of the ForestrySA Manual.

With regard to fire management, there is also a need to acknowledge the difference between the fire obligations of all commercial plantation owners (and farmers) from special community services currently provided by ForestrySA. We note that your 6th October response suggested that ForestrySA will continue to provide the services however, the Government has only committed to ForestrySA for 10 years, what would be envisaged after that period? The key community fire protection services offered by ForestrySA are:

- The provision of the South East community fire detection service via the government owned fire tower network
- Fire management and response to proclaimed native vegetation reserves managed by ForestrySA.

In respect of the last point, it is noteworthy that attending to fires on non ForestrySA land should not be considered a community service. All commercial plantation company brigades and volunteer fire brigades are required to respond to fires on external land as part of usual community mutual support arrangements. The conditions of sale must ensure that appropriate fire suppression standards are met by the new owner and must include a fire bridge registered with the CFS which meets both CFS and forest industry brigade standards. The new owner must also maintain appropriate fire break networks in accordance with best industry practice, e.g. in accordance with the Green Triangle Regional Plantation Committee—Forest Owners Conference Plantation Design Guidelines.

I thank the members for their tolerance. The last two points are:

Blueprint for the future

- The development of a blueprint for the future processing and innovative opportunities of the state's Forest and Wood Products Industry may need resources outside SEFIR's limited capacity. I would appreciate the opportunity to meet with you so that I can discuss this issue in more detail.

Forestry Industry Policy

- The development of a Forestry Industry Policy to compliment the Forest Industry Strategy and the Blue Print for the future of the Industry is currently under discussion and look forward to presenting you with a proposal at the earliest opportunity.

SEFIR recognises that many of the issues contained herein may be perceived to be duplication of our original letter to you, however, the SEFIR is of the view that specific details of the issues of concern set out above are worthy of the support required to allay the concerns of all stakeholders.

Should you require any of the above matters to be discussed further, please contact me at your earliest convenience.

Your sincerely,

Trevor Smith

Chair SEFIR

There is also a letter from the Treasurer dated 10 November thanking him for the letter. You can see by that document that the round table has a large number of recommendations, and I suspect it is an evolving document, which is why that needs to be formally accepted by government and formally made public so the community knows exactly what is part of these conditions.

My third and final recommendation is that this should somehow be attached to the Forestry Act 1950 to give some legislative strength to it. I have had some discussions with parliamentary counsel as to how you might achieve that—and I have not shared that with my committee colleagues as yet—and it may well be that the recommendations which I have said should be put into Forestry Act 1950 may not be achievable. It may be better—this may not be quite the terminology parliamentary counsel would have used—that a report be tabled in parliament about the contract, which we understand will have some confidential information in it, detailing the degree to which the contract reflects the recommendations of the forestry round table. If the parliament is not happy that the community's concerns have been met by the contract, then the contract is disallowable by the parliament.

People might say that that is interfering with the day-to-day operation of government: no, it is not. It is just making sure that, if Treasurer Snelling says, 'I want this round table to tell me and the government what the community want as far as the non-negotiables for this sale,' then the parliament should have the right to call for an independent report. We do not need to see the details of the contract—there is some commercially sensitive information in there—but we need to have an independent report that says that the contract has honoured all the obligations set out in the forestry round table. It could be laid before the parliament. The report says, yes, it has honoured all of those conditions and the sale could go ahead if that is where, sadly, I think we will end up.

My three recommendations are: first, the sale should not proceed. The opposition's view—and it has been from day one—is that this is just a crazy decision to sell the forests and now we have all this evidence to back that up, and it is not just the opposition having a different viewpoint from the government. There is a substantial body of evidence that says that this is a crazy decision. This government has a track record of making crazy decisions and sticking with them.

Therefore, my second recommendation is that we should have the round table recommendations, the non-negotiables, made public; and, thirdly and finally, we should have some legislative way of holding the government to account that it has honoured its commitment to the community in the South-East that it would put the non-negotiables as part of the contract of sale. Let us have a bit of parliamentary oversight over that so the South-East community know our view. The Hon. Robert Brokenshire, the Hon. Gerry Kandelaars and the Hon. John Gazzola would not want to support a government that did not honour its commitment to the people of the South-East. With those few words, I support the interim report of the select committee into the forward sale of three rotations of the forests.

Debated adjourned on motion of Hon. J.S. Lee.

MULLIGHAN INQUIRY RECOMMENDATIONS

The Hon. R.L. BROKENSHIRE (17:19): I move:

That this council observes the progress of the third update on the state government's progress on implementing Commissioner Mullighan's recommendations concerning child welfare on the Anangu Pitjantjatjara Yankunytjatjara lands.

I flag to honourable members that I intend to make some brief remarks on this motion and then seek leave to adjourn to 2012 on this important issue. I move this motion after my concern about the progress of the government's third update response to the Children on APY Lands Commission of Inquiry. It is a report into sexual abuse, chaired by the late Hon. Ted Mullighan QC. It is important that progress on this issue continues to be tracked and that this parliament continues to provide scrutiny and accountability for the government's actions on these very important issues. I do not need to say anything about the abhorrent nature of sexual abuse in any context to reinforce that point. I believe that all honourable members are with Family First on this important issue.

In between giving notice and today when I am speaking to the motion, the government tabled a 93-page report last Wednesday. Family First has not had the opportunity to go through

and cross-reference everything in that report with previous commitments but we will do that over the summer, and before we get back to parliament next year.

The early feedback on the report is that it uses the term 'implemented and achieved' in a very generous way, and more analysis is required than Family First can reasonably provide at this early stage. I acknowledge that other colleagues will want to explore this report further and, given that it is only tabled in the parliament and not debated in the way that, for instance, a select committee report is debated, I am happy to open this report up for analysis and debate and hear honourable members on this issue.

I cannot conclude for today (at least on the subject of the APY lands and policing) without touching on the community constable situation. The government admits in its third response that there are only three positions filled. They fail to mention the other nine that are vacant and have been in some cases for several years and, in the case of Fregon, since August 2003. Family First released confirmation of that by a SAPOL freedom of information request on Monday this week, and the Hon. Stephen Wade MLC asked a question on that matter yesterday.

I know that there are mixed views within police on the community constables but there is a view amongst some that they are very useful to improve interaction and respect for police on the lands. I went up there when I was police minister and I toured with both police, corrections and community constables, and I have seen the benefit of, and importance of, having those community constables on the lands.

I note that there are police Aboriginal Liaison Officer positions, and perhaps that reflects the preference of some within the government, or possibly police, as a better way forward than the community constables. But, in the end, we need evidence-based and effective policing in coordination with APY communities to ensure that the police role and the rule of law is respected on the lands, and, when it comes to sexual abuse issues on the lands, there is no hindrance to reporting those offences and seeing them swiftly prosecuted.

I will seek leave to conclude shortly, but, after the events of yesterday in this place, I cannot leave untouched the leader of the government's comments about my record as a former police minister regarding the lands. I invite those googling this speech today to go back to yesterday's question time and the five supplementaries asked after the Hon. Stephen Wade's question so they can check the record. They can go back to SA Police annual reports to further check the record. I recall that in 2002, which was at the end of my period as police minister, all community constable positions were actually filled and in a much better position than is the case now.

There was not as great a need for Anangu-speaking police on the lands because there were community constables from the local community to interface with police. I know and accept that the minister is just trying to defend her government, and only doing her job, but I take issue with this matter because I believe that it needs to be multipartisan when it comes to ensuring that those resources are adequately provided. I suggest that if there was a shortage of police or services in a metropolitan seat in Adelaide, the focus would be to get them there as quickly as possible. I see the same need in the lands. With those remarks, I seek leave to conclude.

Leave granted; debate adjourned.

SELECT COMMITTEE ON MATTERS RELATED TO THE GENERAL ELECTION OF 20 MARCH 2010

The Hon. S.G. WADE (17:25): I move:

That the final report of the committee be noted.

In speaking to this motion that the house take note of the paper, I thought I might provide some clarification, because I appreciate that members are assiduously reading their copies of it, and they are saying, 'Why is there so little about the general election of 20 March 2010, considering the topic?' The reason for that is that the interim report of the committee related to the general election of 20 March and was tabled on 5 May 2011. This report focuses on matters related to the local government elections of 2010 and was a result of a referral from the Hon. John Darley in this place subsequent to the establishment of the committee. So, the title of the committee did not change but our mandate increased.

The recommendations of the report deal with a range of issues, such as the engagement of council staff and council officers in the electoral process, the security and scrutiny of voting,

increasing the capacity of candidates to provide information and vote, the inclusion of property owners on the local government voters roll, the issue of voter fatigue, resignation rates, dual candidacy and election processes generally. This was the first opportunity I had to chair a committee of this place, and I must thank honourable members who participated for their constructive engagement in the range of issues.

The committee, in this report, makes 16 recommendations, and 11 of those recommendations were made with the unanimous support of the committee. I would like to highlight some of the clusters of recommendations in those 11. As I said, the motion for this committee was initiated by the Hon. John Darley and particularly his concerns about the authenticity of voters' declarations and the processes the commission maintains to maintain the security of voting packs. The committee supported a unanimous recommendation that the Electoral Commission of South Australia develop clear protocols to check the authenticity of voters' declarations with the voting material and to deal with complaints as to missing voting packs.

The committee, throughout its existence (in other words, both in the context of the general election and the local government elections) has reflected the commitment of this house to advocate for the rights of people with disability by highlighting our commitment in the local government election context that ECSA should work with the Australian Electoral Commission and others to explore opportunities to implement electoral innovations to facilitate the votes of people with disability.

The committee unanimously also endorsed the restoration of property owners' entitlements to the local government voters roll and also endorsed a strategy, through two three-year terms, to place local government elections and state government elections at an appropriate distance. Through the recommendations 11 and 12, the local government elections could be conducted at the midpoint of state government terms. The committee was of the view that, through such a mechanism, we could at least reduce the risk of voter fatigue. As I said, these recommendations were supported by all members, and I look forward to favourable consideration of the recommendations by the government.

There were recommendations that were not supported by all members. The Hon. Dennis Hood, the Hon. Russell Wortley and the Hon. Ian Hunter supported the dual candidacy recommendation (that is, recommendation 13), and that was that the current arrangements which do not allow dual candidacy be maintained. In looking at the report, honourable members will understand that, in this context, dual candidacy is meant to refer to whether or not people should have the right or the ability to stand for both a council position and a mayoral position at the same election.

The three members who constituted the majority on that issue felt that dual candidacy should not be allowed. The government members, the Hon. Russell Wortley and the Hon. Ian Hunter, demurred from a number of other recommendations, but I hope they do not mind me saying that I thought that in relation to some of those points it was more a matter of waiting and seeing or a matter of degree than in-principle objection.

As I said, I thank members of the committee for the constructive way they dealt with the issues, and I trust that that constructive engagement will continue when the government comes to look at these recommendations, particularly now that the Hon. Russell Wortley is in the position of being the Minister for State/Local Government Relations. I note that under the procedures of this house the government is not under an obligation to respond to select committee recommendations, but as the minister was a former member of the committee I hope he will see fit to respond formally to the recommendations.

I take this opportunity to thank our researcher Ann Melrose and our secretary Guy Dickson for their diligent work. The quality of both the interim report and the final report are significantly due to their skills and energy. I note that the two ALP members of the committee have, since the conclusion of the final report of the committee, both been appointed as ministers, and I congratulate them. I highlight to Labor members that the best way to become a minister is to serve on select committees—may that be of encouragement to you. I support the motion before the house.

Debate adjourned on motion of Hon. G.A. Kandelaars.

RANN, HON. M.D.

The Hon. R.L. BROKENSHIRE (17:32): I move:

That this council observes and records the true achievements of the former premier, the Hon. Michael Rann MP, and the true extent of his legacy for the state of South Australia.

In moving this motion, I want to put on the public record that this is not a motion of Family First; this is private members' time and this is totally my motion.

I was not going to move a motion to talk about the Hon. Mike Rann until one Sunday night a few weeks ago when I was listening to ABC Radio National and an interview with him just before he finished his period as premier. I felt that some of the history he was writing in that interview of 16 October 2011 needed to be corrected because at some time in the future someone will look at the record of achievement of the former premier. I want to spend a little while now on how I see those achievements.

To give credit where it is due the former premier, the Hon. Mike Rann, did achieve certain things for South Australia, as you would expect that anyone who was in that position of premier for nine years would achieve. One of the biggest achievements that I think the Hon. Mike Rann will be noted for is the fact that he did bring the Labor Party out of oblivion or the wilderness—whichever way you like to describe it—after the 1993 election. He did drive the Labor Party from a defeat, where there were only 10 seats for Labor after the State Bank debacle, and managed to turn that around to a point where, only a short time after, due to the sad tragedy of Joe Tiernan, he had picked up one seat and then had a cricket team. From there he really did start to focus on rebuilding the Labor Party.

I suggest that, had he not really been in that position at that time, the Labor Party may not be sitting here in government, having had 9½ years in office with at least another two and a bit years to go. What really did annoy me was that the premier said basically that the state was a rust-bucket state when he came into office. That is actually far from correct. In fact, it was a rust-bucket state when the premier was former minister for tourism in the Bannon-Arnold government and they lost office in 1993.

There is no doubt that it was a rust-bucket state then, but to give no credit whatsoever to eight years of effort by the then Liberal government—and all members of parliament, whether they were Liberal, Labor, Independent or crossbench or whatever—and basically be prepared to rewrite history to the point where you are saying that this state was a rust-bucket state in 2002, is simply unacceptable to me.

Members get varying opportunities in the parliament. A lot of it depends on the cycle at the time, the seat that you happen to be given if you are in the lower house, how you are seen by the factions of the major parties, then just how opportunistic you are and I guess a bit of good fortune along the way. All members of parliament come in here to do their best. All members of parliament do achieve but, as I said, some can achieve more because of their position.

I just could not believe that anyone could project such an ego as the former premier did during this interview, to the point where I think he actually believed that he single-handedly turned this state around. That is simply not true. On the subject of the rust-bucket state, David Penberthy wrote earlier this year in *The Punch*:

With the Crows celebrating their 20th anniversary, it is worth reflecting on the Adelaide of 1991 and the Adelaide of 2011.

In 1991, Mike Rann was a minister in the Bannon government.

In 1991, Adelaide felt like a boarded-up backwater and SA the rustiest of the rust-belt states. In the same year the Crows entered the competition, the State Bank had collapsed, exposing the taxpayers to a $3.15 billion debt.

He then went on to say:

Given the high unemployment and low levels of growth and investment, this figure seemed insurmountable. As Victoria clawed its way out of its own economic mire, we remained stuck in ours, and were dealt a further psychological blow with the news that we would be losing the Grand Prix, most gallingly to Melbourne...It was a time when South Australia had little to feel good about. It was a time when, in Adelaide, it also felt as if there was nothing to do. The arrival of the Crows helped change that. This flash, cashed-up club gave South Australians something to rally around.

I put that there because that was the true picture of where the state was up to when Mike Rann and the former Labor government left office, and that was when South Australia clearly was a rust-bucket state.

If you try to google and reference clippings for 'South Australia rust-bucket state between 1998 to 2002', you will have a difficult job. You will find a little bit there from Rex Jory, but he is

really talking about the State Bank and the basket-case state as a result of that. There is no way that the premier can claim, given what I am about to talk about, that it was a rust-bucket state until he took over, because a lot of work was done between 1991 and 2002.

Premier Rann was clearly not very happy to be told to go early, and he certainly didn't go quietly. He capitalised on his final 10 weeks to run all around the countryside making announcements and doing whatever interviews he could. It appears that he is determined that history books will tell his story of Mike Rann's legacy. As I said, there were quite a few things that the premier did do over that time that were good. All governments need to do good things; that is why people elect them. As was said to me when I was a minister and a bit excited about one piece of capital works once, 'Don't expect to get re-elected on that; the community expect you to deliver those projects.' Of course, in delivering those projects, there are a lot of ministers involved.

Whilst there was a problem for the Rann government from early on when it was always talked about as a government of three—mainly premier Rann, Kevin Foley and Patrick Conlon at that time—there were other ministers in that government. Those ministers did put an effort into their portfolios and they had a part to play in the good things that the Rann government provided for South Australia, as did the backbenchers, the whip and others that were also part of the team. In fact, had those backbenchers not won their seats, clearly Mike Rann would not have had the opportunity that he had for a very long time.

To my way of thinking, he did not actually give credit to his own party for the commitment and guarantee that they gave him. I understand that in 1993 the Labor Party, in caucus, committed to give Mike Rann two terms to become premier and that there would be no leadership spill during that time. So, where is the credit from the premier back to his team? You do not hear the former premier even talk about a team in any of this interview at all. I find that disappointing for the Labor Party and for South Australia, because we could have capitalised a lot more had the premier embraced a team rather than a single style, as he went on to develop further and further during his time.

The former premier also said, in part of this interview with Julia Baird, that he wanted to talk about Don Dunstan. He said that he moved to South Australia in 1977, working for Don Dunstan. From there on, he basically wanted to model himself around Don Dunstan. One of the first things the premier did when he came into office was to rename part of the Festival Theatre complex to the Dunstan Playhouse, I think it is called. That is one of the first pieces of history that needs to be corrected.

Most South Australians believe that it was Don Dunstan that was the architect and guru behind the Festival Theatre complex, but the fact of the matter is that it was actually premier Hall. He was out of office by the time it was open and, sure, then Dunstan opened it. Part of the re-writing of history from premier Rann was his claim that Don Dunstan built the Festival Theatre, and he didn't; it was premier Hall, and these facts need to be clearly in the record.

He then went on to say that he wanted South Australia to be a laboratory for social change, and said, 'And you've got to see it in the context of 30 years of Tom Playford as premier; 28 years of incredible conservatism. So, there was also a sense of dam bursting, as well as a very passionate reformer.' When it comes to social inclusion and opportunities for South Australia, I think we probably desperately need some conservatism right now.

Let us have a look at the history and what Sir Thomas Playford actually did provide. I will just rattle a few of them off: a real South Australian Housing Trust, which, among other things, built Elizabeth and, with that, the capacity to build the Holden motor vehicles and foster General Motors Holden into South Australia. This is something we are still doing very well today and, I am confident, into the long-term future.

Under Mr Rann's time as premier, we saw a significant reduction in public housing. We saw a change where it is not even called the Housing Trust any more; it is called Housing SA. We saw a waiting list go to over 20,000 people thinking that at some stage they are going to get affordable public housing. Sadly for them, they are not going to, because the stock has been reduced so much under premier Rann's years in office.

We now see Housing SA mainly using its stock for mental health situations, drug addiction situations and the like rather than supported accommodation for those people to help rehabilitate them and then get them into public housing and become independent and, at the same time, doing what Sir Thomas Playford did, and that was to ensure that people on low incomes had the chance of affordable public housing.

Sir Thomas Playford was responsible for the big state visionary picture work: the Morgan to Whyalla pipeline; pipelines all over the state; and power grids all over the state. He was the first premier to push for the very uranium mining that Mr Rann sought to mark as the hallmark and legacy of his reign, even though he violently opposed it in his early Labor days and wrote documentation and talked about it as a mirage in the desert, and did everything he could possibly do to stop the uranium mine—and then he demanded that he negotiate the final sign-off in Melbourne a few days before he finished as premier.

I raise those points because in looking at the record and in looking at history correctly, premier Rann is on the public record as saying that he wanted to set up small viable satellite desal plants around Eyre Peninsula. That would have been quite a strategic and commendable infrastructure project. He intended that he would be 'turning the pumps off on the River Murray that go to Eyre Peninsula' so that there would be less reliance upon the River Murray.

Of course, instead of that we ended up with a 100-gigalitre desal plant which he and his government opposed for a long period of time. That was to be a 50-gigalitre desalination plant but, after a walk one night with his friend, the then prime minister Mr Rudd, they decided to double that—with little science—and now we see a problem in this parliament and this state when it comes to the cost of water.

One of the things that I felt sorry for premier Rann about was the way that he was finally dumped out of office, given that he did return the Labor Party to a situation of being in office for nine years. There was a question about this put to the premier during the interview with Julia Baird. She stated:

> Well I'd like to come back to the ideas that you did implement as Premier, but first let's talk about where you're at today.
>
> You've had almost a decade at the realm. Yet you've resigned just shy of the 10 year mark. On July 29 this year you were asked to step down as Premier. Were you surprised that happened?

This is what the premier, Mike Rann, said in response:

> Well being that the people who'd asked me to step down had just recently asked me to stay on, so this is basically a fractional power play within the Labor Party involving the Shop Assistants' Union being at odds with another part of the right in South Australia in order to combine with, it's all very [strange], with the left and so on.
>
> But ultimately, I mean was going anyway. I wasn't doing a John Howard and staying on regardless. The agreement was, that in fact that I'd initiated, that I would step down in March of next year, so on the 10 year mark, to give the new person two years to settle in and also, of course, to mentor them, a bit like Peter Beattie did to Anna Bligh, which I thought was a perfect, seamless transfer.
>
> And it's interesting that, in a sense, we've been seeing a bit of that around the country with people who are not elected actually making these decisions.
>
> And I think that whilst factions can be good in terms of, you know, a left and a right, two wings of a party—the same with the Liberals, they have the wets and the dries. But it's really important that the central purpose be the state or nation first, government second, party third and factions last.
>
> What's happened is that the factions, I think, are becoming kind of patronage, perks, lurks and positions machines where they'd rather reward people, sometimes in terms of pre-selections for safe seats or for places in the Upper House—this has been over a long time, but I think it's getting worse in both parties—in order to, you know, rather than going out and getting the best talent available.

Again, you do not hear the premier recognising the talent even in this house; rather, the former premier is indicating that there is no talent in this house. Julia Baird then asked him, 'You've been unaligned throughout your career?' The former premier said:

> Which is almost unheard of. I've had 17, well I've been in Parliament for 26 years, a frontbencher for 22 years, Leader of the Labor Party for 17, and I've never been a member of any faction because I don't like being told how to think.

Those are his comments. Julia Baird then asks, 'Was it your undoing in the end, though?' This is the answer from the former premier:

> Well I think, in a sense, I was the victim of a factional power play that really didn't involve me. It was about, in fact, that the person who was the greatest casualty is the Deputy Premier, the one they asked me to mentor, John Rau. And I think that, you know, it could have been done a lot better.

I think that what the former premier did not say there was that the right is on the way out in the Labor Party now and the strength is with the left. The premier was then asked, 'Did you get angry?' to which he replies:

> Oh absolutely. I'm a human being and human beings get angry. But I'm not known for being angry or bad-tempered. But I think it was the leaking of the meeting that was supposed to be confidential, the deliberate leaking, that most people found contemptible. And the people involved are contemptible.

I find that interesting because, to get the history right, one of the reasons the left moved with the right to get rid of the former premier was the arrogance and the threatening way he went about his business. Without naming the people (I would not do that because I respect them and they are important South Australians), we knew as politicians what was going on.

If an organisation or organisations, for example, wanted to buy a page in *The Advertiser* condemning the government on a decision or a policy, they could be out riding their bike on a Saturday morning and the premier himself would ring and threaten them like you would not believe. We saw the same with the media with, 'Have you been Bottralled lately?' I find that sort of behaviour quite interesting when the premier says that he is not known for being angry or bad tempered—just talk to some of the leadership people in this town and you will discover to the contrary.

Julia Baird then asked, 'What did they,' that is, the factions, the SDA or whatever, 'actually say to you?' Mike Rann replies:

> What they said was that is in order to, you know, that they'd changed their mind, they didn't, that the Right had changed their mind, that they didn't think that, that they were now not backing John Rau. They'd decided to support the Left's candidate. And so it was a reversal of a position that had been put to me repeatedly.

He does acknowledge the fact that he did not have any problems with the new Premier, but if you listen to the whole interview he was not a happy person. Asking about the last election, Julia Baird said, 'But wasn't there also a swing against the seats of many of the key ministers?' to which premier Rann replied:

> We did much better than we expected. You've got to think about it. Look at Dunstan's record and Bannon's record. The third election that we won, that I led, was the best third term election result in history. So clearly not. We had a net loss of two seats from the biggest majority ever. So I'm getting people ringing me up from all over telling me what a fantastic result it was.

So here is the premier again basically taking all the credit—no doubt he was a master at marginal seats, no doubt they outclassed the Liberal Party like you would not believe. If the Liberal Party does not win the next election, I will say that it is the fact that this government today still has seven marginal seats that the Liberal Party does not win.

To give credit where it is due, as a political tactician, and as someone who was very good in the area of marginal seats—albeit that we are now paying the price for that with the AAA credit rating, which I will talk about in a little while, and the fact is, if you want government, you want it at all costs, so you throw everything at it to hold or win those marginal seats—former premier Rann can claim some credit for that because he blitzed the Liberal Party at the last election in those marginal seats.

The Hon. J.S.L. Dawkins: What about the dodgy how-to-vote cards? Do you know about them?

The Hon. R.L. BROKENSHIRE: Yes, and I know—that's what I said; I know about the dodgy—

The PRESIDENT: Order!

The Hon. R.L. BROKENSHIRE: —how-to-vote cards, but I am saying—

The PRESIDENT: Order! The Hon. Mr Dawkins is out of order, and you are out of order responding to interjections.

The Hon. R.L. BROKENSHIRE: Sorry, sir, I will not respond.

The PRESIDENT: Moving right along, now; move along.

The Hon. R.L. BROKENSHIRE: There is a lesson there, if you want to get into government—

The PRESIDENT: I am trying to give you that lesson.

The Hon. T.J. Stephens: What's the lesson? Cheat?

The Hon. R.L. BROKENSHIRE: No, the lesson is to work the marginal seats with tactics; that is the lesson. I totally condemn what happened with the dodgy how-to-vote cards, but I am

saying that on this occasion he can claim credit because he did hold seven marginal seats, even though there was a 52.5 per cent vote approximately for the opposition. It is all about marginal seats.

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

The Hon. R.L. BROKENSHIRE: It is all about marginal seats; that is what it is about. It was cold comfort to Jane Lomax-Smith, but I guess she had done her job for premier Rann.

I would now like to discuss the AAA credit rating and a few other things, because I think this is important for the record. Julia Baird asked the former premier a question about the state of South Australia, stating, 'a lot of Australians are still uncertain, especially those that don't live in your state, about what actually happened,' to which the former premier replied:

> We changed the state. Now we had the lowest unemployment in the country during the GFC. We've got record jobs growth, record employment growth. We've doubled the amount of money that we've spent on health. We got thousands of more nurses, more than a thousand more doctors, more than a thousand more police. Crime has gone down every year.

I want to try to get this history right: yes, there has been an increase in the number of doctors, nurses and police, but that is something people expect you to deliver, particularly when you have growth budgets. The fact is that, over those nine years when Mr Rann was premier, the budget over doubled. If you have a budget that is over double, you should be able to provide more services. These were golden years for economic boom, but my point is that the former Liberal government did a lot of the hard work in setting up that new foundation to provide these opportunities; it was not all done by premier Mike Rann. Former premier Rann goes on to say:

> When I was elected we were the rust bucket state. It was what people called us. No-one says that now.

I want to reinforce that it was not a rust-bucket state in 2002. Look at the housing industry figures of 1997, '98 and '99; that is history that you cannot reinvent or rewrite on a radio program or in a book. The fact is that all of the growth in the housing market was starting to trend the right way in 1997, and by 2002, when Mike Rann managed to win office, the hardest of the work had been done.

Let me put the AAA credit rating into perspective. I find it interesting that some of the media have bought into former premier Mike Rann's line, and that of former treasurer Kevin Foley, on the AAA credit rating. Again, go back through the history books: technically, yes, the AAA credit rating was reaffirmed to South Australia during the time of the Rann government, but the work to achieve the AAA credit rating was done in the years of the Brown-Olsen governments, and that is the true history.

It is ironic that, just a few weeks after former premier Mike Rann left office, the new Premier came out to soften South Australians and prepare them for the possible loss of that AAA credit rating. I think that is significant to the true history of where Mike Rann took this state because, when Mike Rann was a minister in a Labor government, they lost the AAA credit rating. Those are the historical facts and here we have now, a few weeks after, the new Premier, obviously concerned about the financial situation of the state, indicating that we may end up without a AAA credit rating.

So, the history says that there was a doubling of the budget and they actually presided over a state as part of a nation where we had some of the best economic growth in our history. I would suggest that, after the Playford era—and I am 54 now and I know that that set up opportunities for all of us baby boomers—the strongest economic time we have ever seen was set up and occurred under the time Mike Rann was premier and what have we got to show for it? I seek leave to conclude my remarks.

Leave granted; debate adjourned.

[Sitting suspended from 18:01 to 19:47]

LEGISLATIVE REVIEW COMMITTEE: INQUIRY INTO STILLBIRTHS

Adjourned debate on motion of Hon. G.A. Kandelaars:

That the report of the committee, on its inquiry into stillbirths, be noted.

(Continued from 23 November 2011.)

The Hon. S.G. WADE (19:48): It is with pleasure that I rise to support the motion to note the report of the Legislative Review Committee on stillbirths. The referral emanated from the motion of the honourable member for Davenport in the other place on 15 September 2010. As the Hon. Mr Evans detailed in his speech, the impetus for this inquiry was the case of Ms Myf Maywald. Ms Maywald had called for a change to the law regarding how coroners are allowed to investigate cases related to stillbirths.

At the outset, I acknowledge the courage of Ms Maywald and other members of the public engaged in our inquiry whose lives have been touched by stillbirths. At the time of Ms Maywald's child's death, an investigation was being undertaken by the Women's and Children's Hospital; however, the Coroner could not undertake an investigation because the jurisdiction of the coroner does not cover in utero deaths. This caused much distress to Ms Maywald and has caused distress to others in her circumstances. The Hon. Mr Evans noted in his speech:

> The loss of a child is traumatic for those families involved. In Myf Maywald's case, the trauma is added to because the Coroner was unable to investigate the death of her child. Obviously, it adds to the trauma for those families who find themselves in her situation.

On behalf of the council, I would like to thank the Hon. Ian Evans and Myf Maywald for bringing these issues to the attention of the parliament. I would like to thank the Hon. Gerry Kandelaars, as our Presiding Member, and the other members of the committee for working through what were extremely distressing circumstances in some cases and quite complex issues, both in terms of the management of medical services and the operation of the law.

I commend the report to the council because I believe that the committee has come up with a key proposal which appropriately balances the need for, shall we say, coronial investigations in exceptional cases without opening the floodgates such that the Coroner's Court would be overburdened. There is a need to provide for coronial inquests from time to time, but it is unusual. I draw the attention of the council to recommendation 6 which reads:

> That the Attorney-General take steps to amend section 21(1)(b) of the Coroner's Act 2003 to allow for a coronial inquest into stillbirths of unexpected, unnatural, unusual, violent or unknown cause.

For members not familiar with the Coroner's Act, that is not the normal reportable deaths category in the Coroner's Act, but I commend the committee and particularly our researchers for seeing the opportunity through section 21(1)(b) to provide access to the coronial jurisdiction.

We received a number of submissions, and it would be fair to say that even those who did not support expanding the coronial jurisdiction conceded that there were some circumstances in which a coronial investigation may be of benefit. These included so-called intrapartum stillbirths where an infant can be shown to have been alive immediately prior to delivery but is delivered stillborn.

In exploring opportunities to expand the coronial jurisdiction in a measured, cautious way, the committee considered the language to describe reportable deaths which talks about deaths which are of unexpected, unnatural, unusual, violent or unknown cause. In evidence before the committee, the Coroner and Deputy Coroner gave evidence which suggested that that formulation would be reasonable and would fit within the test already applied by the Coroner in relation to reportable deaths.

Under section 21(1)(b)(iv) of the Coroner's Act 2003, an inquest is available if the State Coroner considers it necessary or desirable to do so or on the direction of the Attorney-General in the case of certain events such as the disappearance of a person or a fire or accident that causes injury to a person or property. The committee suggests that if this provision was amended to include stillbirths of unexpected, unnatural, unusual, violent or unknown cause, that would be an appropriate expansion of the jurisdiction and would give the Coroner the discretion as to whether or not to hold an inquest. A person who considers that an inquest is warranted could then petition either the Coroner or the Attorney-General for an inquest into the stillbirth.

I commend that recommendation to the house. It is the key recommendation of the report. There are a number of recommendations which talk about the improvement of support services, particularly to people who experience stillborn children, and the way that the health system as a whole can operate more efficiently. I commend all of those to the house but I think in terms of the key issue that we are asked to address, which is the appropriate limits of the coronial jurisdiction, I would suggest to the house that the committee has come up with a proposal well worthy of consideration. I commend it to the Attorney-General and to the honourable member for Davenport, who raised the issue originally in this parliament. I would hope that we would have the opportunity

to consider the expansion of the jurisdiction in the not too distant future. I support the motion that the report of the committee be noted.

Motion carried.

FEDERATED GAS EMPLOYEES INDUSTRIAL UNION

The Hon. D.W. RIDGWAY (Leader of the Opposition) (19:55): I move:

That this council notes credible allegations of serious malfeasance in the South Australian branch of the Federated Gas Employees Industrial Union during the time when a member of this chamber was in the employ of that union.

Unions play an important part in our Australian culture. The Australian Labor Party was born under a ghost gum, the Tree of Knowledge, at Barcaldine in central Queensland during a meeting of striking shearers and farm labourers. The year was 1891. By 1912, there were 408 separate unions in this new federation of Australia. Although some of the unions were as corrupt as their bosses were supposedly slavedrivers, there was a time, in 1951, when six in 10 Australian employees were in a trade union.

The more militant unions in the 1960s and 1970s—the builders labourers, the storemen and packers, the transport workers—all doubled their membership between 1969 and 1975. Unions themselves were by now multimillion dollar businesses in their own right, with state and federal-registered unions. There was a phalanx of extremely well-paid trade union secretaries, who took home vastly more each week than the men they supposedly represented. A hundred times that many more people were working and playing as union organisers, assistant secretaries, delegates and standover men.

One of the most combative and aggressive unions was based in the Adelaide suburb of Brompton. It was the Federated Gas Employees Industrial Union and it tolerated the intolerable. South Australia was, to use a slogan, cooking on gas. The furnaces of the South Australian Gasworks at Brompton were first fired in 1863. By 1863, this building, this Parliament House, was lit by gas. One hundred years later, the South Australian Gas Company (SAGASCO) was converting to natural gas and that is when the Federated Gas Employees Industrial Union stepped up to the burner.

Gas had previously been made from coal. Natural gas was much less labour intensive. In other words, SAGASCO needed fewer men. It had to scale down its blue-collar workforce. That meant redundancies. One hundred and fifty of the 220 men at Osborne and Brompton became surplus with the switch to natural gas. The company was not obliged to grant severance pay for its soon-to-be redundant employees and men over 65 years old were, as the 1986 book *The Unquenchable Flame* puts it, 'gently reminded of the temporary nature of their continued employment'.

But the union had other ideas, and finally the company and the Federated Gas Employees Industrial Union reached agreement. The company would give three months' notice of any retrenchment and there would be two weeks pay for every year of service and additional long service benefits. The FGEIU gloomily noted the decline in its membership, but protected those who remained.

Pat Savage has a history with the FGEIU. Not long after he joined the union he became a shop steward. A month later, as he tells it, he became chairman of the shop committee and six months later, and I am quoting him now, 'I was a union organiser or assistant secretary, call it what you will.' Was the position paid? Yes, it was paid all right, but not out of union funds. 'The gas company paid it,' Pat Savage says. The gas company paid his wages and bonuses to be a full-time union organiser—completely unelected.

Mr Savage was the right-hand man of the union secretary, Ron Hill, a man now serving a life sentence at the Port Augusta Prison for the murder of his wife. Ron Hill ruled the Federated Gas Employees Industrial Union with an iron hand in an asbestos glove. Half a dozen men were caught throwing hundreds of gas meters into the Wingfield dump. For more than a year, according to Pat Savage, they had been paid by the gas company to replace old meters with new ones. Instead of working for those 12 or 15 months, Mr Savage revealed in an interview with my office in September that they had been systematically dumping the new ones at Wingfield. 'They didn't work for over 12 months,' Mr Savage said to us. He said:

There were just a group, a few blokes that done that. They were lucky not to go to gaol because those meters back then were worth $100 I reckon, and they were throwing about probably $4,000 worth a week down the Wingfield dump.

Pat Savage's account continues:

The Wingfield dump rang. The Wingfield dump rang and said we're so sick of you bastards chucking all these meters here. Why is there so many?' And someone was sent down from SAGASCO, from the office, to pick the meters up, then they checked the serial numbers on the meters, realised they [were] supposed to have been changed but they hadn't been changed, then they challenged the blokes.

But the blokes did not get sacked. With union intervention, the men were given glowing references from the gas company and, with one exception, all got work around the corner at Clipsal the next week. And that was not all: they got redundancy payments from SAGASCO and nobody called the police. This was all courtesy of Ron Hill and his brigands, one of whom was the former gasworks apprentice and the current Minister for Industrial Relations, of all things, the Hon. Russell Wortley MLC.

I have a signed statutory declaration from Allan George Cotton, now of Minlaton on Yorke Peninsula. Mr Cotton declares that in 1972 he joined the South Australian Gas Company as an apprentice plumber and gasfitter. He received his ticket in 1975, the same year he was named apprentice of the year. In the early 1980s, Mr Cotton was employed by the South Australian Gas Company as a plumber and gasfitter in the domestic maintenance section at Chief Street, Brompton. He was a member of the Federated Gas Employees Industrial Union.

According to Mr Cotton's statutory declaration, Ron Hill was then the secretary of the union and Russell Paul Wortley was involved in union activities. There was a belief that Mr Wortley was paid by the gas company, even though he was doing no work on the shop floor or 'on the tools'. He was a full-time unionist and doing a lot better than his workmates, as you will learn in a minute. It was probably in about 1983, Mr Cotton says, that he heard the gas company wanted to downsize its staff.

He heard of redundancy packages offered to gasfitters prepared to leave voluntarily. So Mr Cotton went to the company's head office, then in Wakefield Street, and asked: what sort of redundancy was it; what were the conditions; what were the details? The human resources department said they did not know anything about it. One of Mr Cotton's workmates then said if he went to the union it would organise a redundancy deal. In the statutory declaration, Mr Cotton said he next approached Russell Wortley, who was a union rep in the union office. They went outside to chat.

There the conditions were laid out, says the signed statutory declaration. Mr Wortley told Allan Cotton that, if he handed over close $1,000 in cash (to the best of his recollection, Mr Cotton thinks it was $900), the union would organise a redundancy payout, and Mr Wortley mentioned 2½ weeks for every year of service. According to the testimony in the declaration, Mr Wortley told Mr Cotton he should 'pay the money direct to Danny Moriarty', another union official. Mr Cotton got together some of the money, a few hundred dollars short of what he had been asked for.

He had some 1980 gold coins which could make up the shortfall, but Mr Moriarty told him he did not want these: these were Perth Mint proofs and worth a lot but, unlike cash, are sometimes traceable. Mr Cotton went to the union offices to hand over the money and he gave the cash to Danny Moriarty. He then handed his resignation to the company. Mr Cotton says in his statutory declaration that he had been coerced into making the payment to get his redundancy.

He says he never wanted to deal with the union. That is why he first went to the SAGASCO head office for his initial inquiries. The only reason he paid the money in cash was that he could see no other way of getting his redundancy pay. 'In my view,' Mr Cotton says, 'I believed it was corruption. I wanted the practice to stop but did not see how I could take on the might of the union.'

I also have a signed statutory declaration from David Alan Butler of Elizabeth Downs, South Australia and, according to the declaration, Mr Butler was employed by the South Australian Gas Company as a leading hand in the maintenance section at its Para Hills depot in 1983. He was a member of the Federated Gas Employees Industrial Union. Ron Hill was then the secretary of the union and Russell Paul Wortley was, according to the declaration, working for the union as an employee or official.

Mr Butler was also told around the traps that the company was downsizing, accepting voluntary redundancies and offering three weeks' pay for every year of service. A union delegate told Mr Butler to speak to the union before accepting the company's redundancy offer, saying that

the union could do 'better than that'. The Federated Gas Employees Industrial Union offices were just across the road from the gas company. In fact, they had been donated to the union—some say under duress—by the company.

SAGASCO, and ultimately every one of the thousands and thousands of gas customers, provided the union with a social club, and it was pretty well set up, too. 'Oh, it was...It was a huge magnanimous gift,' the union's Pat Savage said in his interview with us. Why? Because of the duress union secretary Ron Hill put on SAGASCO management, says Savage. So, the union got an indoor swimming pool, a games room, a bar and a billiard table. Mind you, it did come at a cost. We have examined the union records held in the official Canberra archives—records we were able to access through the descendants of the federal industrial register. They go back to the mid and early 1980s when the Hon. Mr Wortley was in the union—or was it the company payroll? I am not sure.

Consistently, the auditors had trouble with the social club's accounts—money in, money out, but not a proper paper trail; so, the union moved the social club completely off the books. It is a matter of historical record that the social club building eventually changed hands. It was bought by an equally respected association, the Rebels Motorcycle Club, and turned into a bikie clubroom, which was bombed in the early hours of 15 July 1999. Police suspected a rival bikie gang, but the wags in the union movement smirked that someone had not heard that the Federated Gas Employees Industrial Union had moved out.

So, it was to the union officers that Mr Butler went for advice on the redundancy offer. He went to see union secretary Ron Hill, another union official (his ex-apprentice), Pat Savage, and one Russell Wortley, who had been apprenticed to Mr Butler before going to the union full time. The first person he saw was Russell Wortley. He was then led into a room where he met Dan Moriarty, who told Mr Butler that he could arrange for Mr Butler to get 4½ weeks' severance pay for every year of service. Mr Moriarty said that this could happen if the union allowed Butler's position to become redundant and if the union did not challenge the company by insisting that the position be maintained. That is how it worked.

Mr Butler was naturally delighted. Moriarty told Mr Butler that there was a price to pay. He said that Mr Butler would have to make a cash payment of $5,000 and that there would be no receipt. Mr Butler was in his mid-30s, married, paying off his house and supporting three children. He had joined the gas company as a 16-year-old apprentice, and he had been there for 20 years. 'I thought the demand for $5,000 cash was outrageous,' Mr Butler swears, 'but I calculated that if I made the payment I would receive 90 weeks' salary, and the value of this was far greater than $5,000'.

Like most people, Mr Butler did not have that much cash, so he borrowed the money from his brother, his mother and his father. 'Carrying in the $5,000 in cash, I went back to the union office in Chief Street,' says the signed declaration. The declaration continues:

> I was shown into a room. Ron Hill was in there, together with another man whose name I don't recall, and Dan Moriarty. Both Mr Hill and the second man left the room as I prepared to take the money out. In front of Dan Moriarty I placed the pile of cash on a table. He said words to the effect of, 'If you open your mouth it may not happen.' I left the money on the table with Dan Moriarty and walked out of the room. I discussed what happened with one trusted colleague who was also seeking redundancy, but from conversations with workmates at the Brompton works I knew it was common knowledge that the union officials or representatives were seeking and receiving cash payments to arrange redundancy and redundancy conditions. I was subsequently paid out 4½ weeks pay for every year of service. Later that same year I met Russell Wortley at the gas company's annual barbecue and drinks.

It is interesting that I happen to have a photograph of that annual barbecue and drinks. The Hon. Russell Wortley is in the photo—he is a little thinner but still with the same hair. The declaration continues:

> He came up to me and asked me how I was going. I replied that I thought he was a crook and that I never wanted to speak to him again in my life.

As I said, we have unearthed a charming photo of that company picnic: there is Russell Wortley, slimmer but with the same hairstyle, as well as Stan Briggs (who was often mentioned in the Federated Gas Employees Industrial Union committee for management certificates) playing wicket keeper, and the very same Dan Moriarty, who we tracked down a few months ago to a house in the suburb of Hove. That is where we put the allegations to him and where he denied them. He claimed he could not remember anyone called Allan Cotton, but, yes, he did remember Dave Butler.

When it was put to Mr Moriarty that Allan Cotton and Dave Butler had both said they got a redundancy package on the condition they made cash payments to union extortionists, Mr Moriarty acknowledged that $5,000 was 'a lot of money in those days' and denied any knowledge of the deal. At Brompton, also in September, Mr Pat Savage was interviewed and he also denied ever receiving or knowing about cash payments even though they were apparently common knowledge. 'We all heard rumours. We all knew about the rumours behind us,' he said.

Yet I come back to the two men who signed these statutory declarations—Allan Cotton and Dave Butler. They are both nearing the end of their working lives but both still enjoy their work. They both have responsible and reasonably paid jobs, one in local government and the other in the mining industry. They both, until we came across this story, lived out of the public eye, and they both have a reason to be happy there.

The spotlight is not what they are seeking. What they want, they told us, is for the truth to come out. They want justice to be done even if the only justice likely to come out after all these years is public exposure of it. As David Butler put it to us—corruption. They are both brave men. They have nothing to gain and much to lose from speaking the truth. Even so, I will not be surprised if more people now come forward.

Ordinary employees expect to turn to their trade union for protection, not extortion. The Federated Gas Employees Industrial Union is no more. It was amalgamated with the Transport Workers Union—as I think you have reminded me, Mr President—and the Hon. Mr Wortley went on to be employed there for nine years. In his maiden speech in 2006, the Hon. Mr Wortley told this chamber about his union work:

> When I got home at night, I knew I had a real and important job and that I had done a full day's work. Very often I would lay awake at night worrying about the outcome of the disputes or the security of members.

Documents from time the that the Hon. Mr Wortley was at the gas union shows there were two full-time union employees: the Hon. Mr Wortley and Mr Moriarty. I think the council would be interested to know their terms and conditions.

As part of their package they had: their salary; union paid superannuation; a gratuity of an undisclosed nature; nine weeks per year of service to be paid out when leaving the union regardless of the reason; private health cover; an annual clothing allowance; a fully funded motor vehicle (I think a VM Commodore, fully maintained and renewed every two years); a telephone with full rental and calls; five weeks' annual leave plus 20 per cent leave loading; rostered days off; a 38-hour week and a 19-day month, and all the rostered days off could be accumulated and taken at Christmas time; and sick leave of 15 days per year, which could be taken without a medical certificate. All the unused sick leave could be accumulated or paid out each year and all the sick leave could be paid out upon the termination of employment. How often would he lie awake at night worrying in those wonderful carpet slippers with a nightcap on nursing a large balloon of brandy?

Year by year the number of trade union members has been dropping. From a peak of 60 per cent of eligible employees, the figure was just 18 per cent last year. In the private sector it is even less—just 14 per cent. There are in Australia today at least 1.4 million employees who are not members of a trade union.

Under a ghost gum at Barcaldine in Queensland the Labor Party was born. Under this roof in Adelaide, South Australia, the Labor Party has been delivered a minister for industrial relations who should now go to the bush. I now seek leave to table the two statutory declarations and I also seek leave to conclude my remarks.

The Hon. G.A. Kandelaars: Why don't you go out there and say it?

The PRESIDENT: I am sure the honourable member will go outside tomorrow and say what he said in here.

Leave granted; debate adjourned.

The PRESIDENT: We look forward to seeing you on the steps of Parliament House tomorrow.

BIOSECURITY COST RECOVERY

Adjourned debate on motion of Hon. J.S.L. Dawkins:

That the Environment, Resources and Development Committee investigate and report on the cost recovery policy of PIRSA in the form of a proposed biosecurity fee as it affects livestock owners, in particular—

1. A comparison of the services to be provided by the proposed biosecurity fee with those of the commonwealth government's biosecurity program;

2. A review of the proposed cost share formula as it affects different species;

3. Consideration of the appropriateness of the exemptions criteria (species types and number of animals kept); and

4. Any other matters the committee considers relevant.

(Continued from 9 November 2011.)

The Hon. G.A. KANDELAARS (20:15): I rise to give the government's response to Mr Dawkins' motion, which we oppose. The proposal to cost-recover a proportion of the Biosecurity SA animal health program was adopted by the Sustainable Budget Commission and approved by cabinet as a budget measure in September of 2010. The savings target for Biosecurity SA through both expenditure savings and cost recovery is $4.8 million by 2014-15, of which $4.1 million is cost recovery.

Approximately $1 million will be cost-recovered through mandatory property identification which came into force through regulation from 1 January 2011. An additional $1.7 million is proposed to be recovered from the industry for endemic and voluntary pest and disease programs funded under the Primary Industries Funding Schemes Act.

The proposed biosecurity fee will recover the remaining $1.4 million over three years through a fee on cattle, sheep, horse, alpaca, goat, deer, pig and poultry properties. Commercial apiarists who already pay a fee will have their fees increased. For a cattle or sheep property this represents an initial fee in 2012-13 of about $50, rising to an average of about $100 in 2014-15. For pig and poultry properties the average fee will be around $700 and $900 respectively, due to the small number of operators in these industries.

An exotic disease incursion into South Australia (like foot-and-mouth disease) would result in the complete loss of export markets for over 12 months and severe restrictions on interstate trade. A robust exotic disease surveillance and emergency preparedness program is an insurance against the risk of exotic diseases incursion through rapid detection and response to that threat should it occur.

The current SA animal health program is focused on areas of highest risk and greatest potential for exotic pests and diseases. The highest risk and greatest impact would be in the form of a foot-and-mouth disease incursion which, on a national scale, would have an economic impact for an outbreak of between $7 billion and $16 billion. An outbreak of foot and mouth disease in the UK in 2001, which highlighted significant deficiencies in their biosecurity system, resulted in millions of stock being destroyed and burnt, and a cost to the economy of about $A10 billion.

South Korea recently experienced a foot-and-mouth disease outbreak and, again, hundreds of thousands of stock, mainly cattle and pigs, were destroyed, burnt and buried. The cost to their economy is currently about $A3 billion. The South Australian government, through Biosecurity SA, is continuing to invest in biosecurity management and emergency response. However, the livestock industry as a major beneficiary should be paying a proportion of these costs, instead of other taxpayers.

The Hon. R.L. BROKENSHIRE (20:20): I rise to advise that Family First will support the Hon. John Dawkins' motion that the Environment, Resources and Development Committee investigate and report on the cost recovery policy of PIRSA in the form of a proposed biosecurity fee and look into the four key points that he has in the motion. I put on the public record that Family First actually opposes this outright and, whilst we believe there should be an opportunity given by the Hon. John Dawkins to refer this to the ERD, this is wrong. I am interested to hear what the government has just said then.

The new minister has nothing to do with this, but we do need the new minister to fix this problem. This full cost recovery nonsense that is endemic within this government has to stop, and somewhere the parliament needs to draw a line in the sand and say, 'Enough is absolutely enough.' Mr Will Zacharin is an interesting senior public servant. He, I understand, is determined to get this through one way or another on behalf of the government. I asked a series of questions in the chamber of the new minister and, again in fairness to new minister (I give her time), she said that she was taking these matters on board, and I think she has probably told her department to steady off a little bit, from what I hear.

I met with a key stakeholder group on this last week, from memory, and this group has been working on biosecurity issues for several years with what they thought was goodwill between the key stakeholder groups, Will Zacharin's Biosecurity SA and the government of South Australia. If we go back a step with PIC fees, I moved a disallowance of the regulation on those fees. Tactically I made a mistake on that because I should not have actually put it to a vote. When I put it to a vote I did not have the numbers on that occasion and those PIC fees came through. Those PIC fees are on top of the NLIS fees.

I can remember when Rory McEwen was the primary industries minister and the NLIS came in: of course farmers agreed that we should have national livestock identification schemes, property identification codes and biosecurity. But farmers are already paying this money: we are paying it with some of our state levies—in my own family situation, Dairy SA, through the SADA. We pay it every time we sell a bobby calf, we pay it when we sell a chopper cow, we pay it when we sell dairy beef, we pay it when we sell sheep. We pay, pay, pay and pay between state and national now.

Other states are not doing this, and certainly none of them, as I understand, are proposing cost recovery to this extent. I understand also that Mr Zacharin has indicated that he has to get the $4 million, which has just been confirmed by the Hon. Mr Kandelaars, but he knew that he may have a problem in this house. I flagged, when I spoke to the disallowance of the regulation on PIC, that if they did not do the right thing by farmers and show some fairness in this I would do, as one member of parliament, what I could do to encourage and alert my colleagues to see through what is going on here.

Knowing that, I understand Mr Zacharin then said, 'We'll fix this another way: we won't take the $4 million out of a direct biosecurity fee; we will actually, sleight of hand, up these other fees and charges (which we have just had confirmed by a government member on behalf of the government) and we will only have to get then about $1.4 million and, if worse comes to the worst, if we lose out on that we lose $1.4 million, but we've picked the rest up by default and we'll be able to get through that way.' This is how the government is travelling, and it is not on. We have to stand up. That is why I actually strongly support this motion.

With the NLIS, when I spoke to the Hon. Rory McEwen, I said, 'What's the charging structure in all this?' He said, 'Oh, well, you know, the nominal fee for the tags, and so on, and there's some declarations involved.' Well, there was a nominal fee initially for the tags. We have just had to order another heap of tags ourselves, and the bill was nearly $900 and heading north. You cannot even get a vendor declaration book for free anymore; you now have to pay for those. So, I highlight that and ask that the ERD Committee has a very close look at it because it is thin end of the wedge stuff.

Members have already heard that some of these smaller egg producers could be looking at $700 a year this year. This is just like the water charges, and it has to stop. We are totally putting agriculture in this state at risk by hitting it left, right and centre and making it uncompetitive. I for one have had enough. We will be doing everything we can to encourage support from our colleagues to bowl this over and send a message to the government to get on and manage for a change, instead of full cost recovery. The government has $15 billion worth of taxes now, why does it need this full cost recovery? That said, I know that SAFF and other key stockholders I have spoken to are keen to support as one plank in fighting this.

I commend the Hon. John Dawkins for putting up this motion, but I also say to the house that, having spoken to the key stakeholders, they are going to dig in on this, too. They have had enough. They have been let down. They went into this negotiation with Biosecurity SA and Mr Zacharin thinking that there was some goodwill there. This is double dipping; it is probably triple dipping. I hope that is all exposed in the inquiry.

I commend the motion, and I say to the government, 'Pull this now because you are going to end up embarrassing yourself.' You have a Premier starting to run around saying that he is a friendly person to the regions, unlike the former premier. At the same time he is running around doing this, we have the regions being done over by the government again. We have had enough, and we are going to take the fight to the government on this occasion.

The Hon. M. PARNELL (20:27): The Greens will be supporting this motion but not for the reasons the Hon. Rob Brokenshire has put forward. This motion calls for the Environment, Resources and Development Committee to investigate and report on the cost recovery policy of PIRSA, in the form of the proposed biosecurity fee.

The Greens' position is that we try to support genuine inquiries into genuine matters of public interest, and I think this is such a matter. The cost recovery policy of Primary Industries is controversial. We are not philosophically opposed to it. We think that there is a proper place for cost recovery, particularly when the beneficiary of a particular project is an identified sector of the community. So, we are not philosophically opposed to cost recovery, as the Hon. Rob Brokenshire is.

Our understanding of the current situation is that there is nothing particularly time-limited about this. We are not actually holding up any particular legislation or regulation. As a member of the Environment, Resources and Development Committee, and having had discussions informally with other members of that committee, I do not expect this would be a lengthy inquiry. We know that the Farmers Federation, for instance, has an interest, Horse SA has an interest, as do a few other groups as well. I think it should be possible for the committee to undertake a short, sharp and shiny inquiry into these fees and to report back to both houses of this parliament some time not too far into next year.

Whilst our support for this motion should not be seen by anyone as necessarily opposing what the government is trying to do, we do believe that some of these organisations, especially the Farmers Federation, deserve their day in court, and they deserve to be able to put their case to a committee of parliament. We will listen to them very carefully, and I hope that the final outcome will be in the interests of the state.

The PRESIDENT: The Hon. Mr Dawkins to wrap up.

The Hon. J.S.L. DAWKINS (20:30): Thank you, Mr President, and I also thank the Hon. Gerry Kandelaars, the Hon. Robert Brokenshire and the Hon. Mark Parnell for their contribution. I also thank other members of the chamber who have indicated their support for this motion but did not wish to contribute.

Only today, the minister introduced a bill to amend the Livestock Act. For some time, that act had been expected to be the vehicle by which this proposed biosecurity fee would be brought into legislation. I do give the minister credit for making sure her office made me aware yesterday that the bill would not include this biosecurity fee. I also give her credit for telling this parliament, in response to my recent questions (and I am only paraphrasing the minister, so I will be careful), that there was more work to be done. As the new minister I do not think she was comfortable with where it was at the time. I know that she subsequently told me that she intends to re-examine the proposal with some significance. I welcome that.

I also believe very strongly in the role of standing committees in this parliament. I am a former member of the Environment, Resources and Development Committee, and I think this matter fits very well into its purview because, as I said in moving this motion, the animal husbandry sector does husband a great resource in this state. I think the development of animal industries is very important to the future of South Australia and, as I said, I think it is a relevant inquiry that, as the Hon. Mr Parnell said, could be done in a relatively short space of time.

The Hon. Mr Kandelaars reminded us that it was the Sustainable Budget Commission that told the state, in September 2010, some 14 or almost 15 months ago, that this was a measure that needed to be implemented. So some considerable time has gone by since then. It came to my attention a few weeks ago (I think this was just before the current minister came into the role) that PIRSA—and in saying PIRSA I think we should probably say Biosecurity SA, as one of its agencies—was committed to getting this through both houses before Christmas. I think a number of us thought that was very optimistic because no-one had actually seen the detail, despite the fact that the consultation—and I think some would question the level of that consultation—finished in early October.

There has been mention of the PIC fee. There was a significant difference to this proposed biosecurity fee. The PIC fee has been accepted by all the animal industry groups in South Australia—

The Hon. R.L. Brokenshire interjecting:

The Hon. J.S.L. DAWKINS: The Hon. Mr Brokenshire says 'reluctantly'. I think the reality is that they generally saw a benefit in that, far different from the biosecurity fee. There is a significant difference, and this biosecurity fee as it is proposed, as it has been put out there, is not accepted by industry.

In conclusion, I take note of what the Hon. Mr Kandelaars said at some length about biosecurity risks, foot-and-mouth disease, and things that happened in Asia and other places. However, as someone who has come out of the sheep breeding sector, who has had a lot to do with the stud industry and many commercial breeders, and who knows quite a bit about the quality of people involved in animal husbandry across all the different species, I can say that I think the quality of animal husbandry in this state is almost second to none. There are always a few cowboys, always a few people who cut corners, but the quality of the people who breed and market animals and their products in this state is exceptional, and I think we should recognise that. With those words, I commend the motion to the council.

Motion carried.

VICTIMS OF CRIME (COMPENSATION LIMITS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 28 September 2011.)

The Hon. S.G. WADE (20:35): I rise to speak on the Victims of Crime (Compensation Limits) Amendment Bill 2011 and indicate that the Liberal Party will be proposing some amendments to this bill. It has been widely acknowledged in the community and the media that the current victims' compensation scheme has become woefully out of date.

I am on the public record, together with a number of other honourable members of this place, highlighting that fact. The payments to victims of crime from the fund are not intended to be a form of reparation or actual compensation for suffering but instead are an acknowledgement of suffering a loss experienced by victims of crime.

The stated objectives of the act are to give statutory recognition to victims of crime and the harm they suffer from criminal offending, to establish principles governing how victims of crime are to be treated by public agencies and officials, to help victims of crime recover from the effects of criminal offending and to advance their welfare in other ways, and to provide from public funds limited monetary compensation to the victims most directly affected by criminal offending.

All of these objectives are furthered by the collection of the victims of crime levy which has been increased on three separate occasions under this government in 2007, 2009 and 2011. The last increase actually doubled the previous levy amount, yet there has not been any increase in the amount allocated to victim support.

It can be difficult for victims of crime to recover from their traumatic experience of criminal behaviour. Indeed, sometimes the additional stress and heartache of reliving the experience through the courts or investigations is beyond the level of suffering that victims can endure. Hence, the victims of crime compensation scheme aims to be a less confronting way to provide some additional support in facing the future as a victim of crime.

The predecessor scheme to the Victims of Crime Fund—the criminal injuries compensation scheme—was first introduced in 1970. The maximum payable was increased from $1,000 in 1970 to $2,000 in 1974, to $10,000 in 1978, to $20,000 in 1987 and to $50,000 in 1990. After a series of five increases over 20 years, we are now in a situation where it has been static for 21 years. The $50,000 maximum award has not increased since September 1990.

If this maximum payment level had been increased with inflation, it would have reached $85,000 over the two decades to 2011. Comparing the maximum payouts with comparable schemes in other states and territories does South Australia no pride. Queensland and Western Australia have maximum thresholds of $75,000; Victoria has $60,000; and South Australia is on par with New South Wales, Tasmania and the ACT.

The trauma experienced by individuals is not as easily quantifiable as financial loss. Some people who have suffered financial loss as a result of crime are able to readily access compensation up to $50,000. However, it is rare for a person to receive more than a few thousand dollars for non-financial loss or suffering. Quantifying this loss has always been a difficult venture and, as such, the courts have tried to apply a sliding scale through a points system. Unfortunately, the effect of this points system has been to limit compensation to amounts between $1,000 to $12,000 for non-financial suffering. The average payment from the fund across all categories is $10,500.

Victims of crime levies are collected solely for the purpose of supporting victims of crime through either compensation payments or grants to organisations like the Victim Support Service.

According to the government's own estimates, the balance of the victims of crime fund is expected to grow from $79 million to $181 million by 2013-14. This is a staggering amount, due largely to the increase in victims of crime levies I noted previously. It is astonishing that this government has remained silent as to its plans for the future of the fund and is willing to deprive victims of crime of support when such a significant amount has been amassed.

In contrast with this rapid growth, the expenditure from the fund remains relatively constant. The fund currently expends close to $19 million per year, with $18.5 million being expended in the 2010-11 financial year and $18.9 million being budgeted for the 2011-12 financial year. According to government estimates, only mild increases are anticipated each year in the forward estimates.

Based on my calculations, if we doubled the maximum payment, as proposed by this bill, the additional strain on the fund would be $11.9 million per year. That takes into account the following assumptions: firstly, that the half of victims' compensation payments spent above the average is all paid at the maximum payment and that those claims will receive the maximum at the higher threshold and, secondly, that the average payment doubles. I consider that those are quite prudent assumptions and there is a strong a chance that less than that amount would need to be expended per year.

The fund itself is highly unlikely to have any problems, with moderate increases in expenditure within the foreseeable future, unless the government decides at some stage to use the money allocated for another purpose or there is a sudden and significant increase in victims of serious crime at higher than normal rates. The fund will continue to grow and be replenished by victims of crime levies.

One element of the bill that the opposition cannot support is the retrospective application of the proposed increased payments to victims of crime committed before the commencement of the provisions in this bill, or even before the commencement of the Victims of Crimes Act's predecessor, the Criminal Injuries Compensation Act 1978. It is a matter of basic legislative principle that you do not apply laws retrospectively, essentially rewriting the historical conditions of the time. I understand the purpose of including this in the bill is to capture some South Australians seeking compensation under a statutory redress scheme. We do not think this is appropriate in this instance.

The Liberal opposition will also be seeking to amend the maximum payment outlined in the bill from $100,000 to $85,000. As I indicated, based on our calculations of inflation and CPI, the real value of the payment has not doubled from the time it was introduced in 1990, but would be worth approximately $85,000. We are happy to have our calculations reviewed. We do, however, support the regular indexing of this payment in line with CPI and will be supporting that change.

If the government opposes the increase of payments from the fund, it must answer one simple question: what does it intend to do with $181 million in the fund, given that by the point it reaches that amount only $19.8 million will be spent each year? Why has the government persistently increased the fines in the name of victims but given nothing back to victims? These are the questions confronting the government, and I await the government's justification for why victims in South Australia have faced almost a decade of neglect regarding compensation from the fund.

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

MARINE PARKS

Adjourned debate on motion of Hon. J.M.A. Lensink:

That this council calls on the Minister for Environment and Conservation to place an immediate moratorium on the imposition of the draft sanctuary zones contained within the marine parks' outer boundaries for South Australia.

(Continued from 23 March 2011.)

The Hon. CARMEL ZOLLO (20:45): I advise that the government will not support this motion. Marine parks have been widely debated in this place previously, and I do not intend to revisit matters that have already been addressed; however, I would like to make some comments in response to the Hon. Michelle Lensink's contribution to this debate.

At the outset, it is important to place on the record that the government has made no decisions in relation to draft sanctuary zones. I will repeat that: the government has made no decisions in relation to draft sanctuary zones, and they are not currently being imposed in marine parks, as this motion incorrectly suggests.

The process to determine the size and location of sanctuary zones within marine parks is ongoing. The minister for environment and conservation has informed me that, while much progress has been made, there is still more work to be done. A number of other announcements have overtaken this motion, or indeed the calling of this motion, since it was moved by the honourable member. Whilst the government did not agree with the establishment of yet another select committee, given the numbers in this chamber it was established and, of course, we will all have the opportunity sometime I suspect early next year to have our say on that report.

More importantly, members may be aware of the recent announcement made by the Premier and the Minister for Sustainability, Environment and Conservation that the release of the draft marine park management plans would be postponed to allow for further discussion to occur with these key interest groups. It was initially proposed that the draft management plans be released for consultation sometime late in the year. What that announcement means is that the government will be re-engaging with key sectors next year in an effort to find common ground. I take the liberty of quoting from that announcement, which states:

> I acknowledge that this has already been a long process, but as this is one of the most significant conservation programs ever undertaken in South Australia, it is critically important we get this right.
>
> While there is wide support for marine parks, there remain diverse views about how the parks should be designed.
>
> The feedback that I have received is that some groups feel like we haven't listened.
>
> I want to give them the opportunity to come back to the table and work more closely with us over the next few months so that we can ensure these parks are something that everyone can support.

Once these discussions are complete, the government will progress the development of the draft marine park management plans, which will include sanctuary zones, and they will be released for a three-month public consultation period next year.

The Hon. Michelle Lensink, during her contribution to this debate—which I should point out was now some nine months ago—was strongly critical of the consultation process. She also stated:

> Marine parks will not work unless the process is transparent and the community supports them and is actively involved in the process.

It is good to see that she shares the government's view on this. This has always been the government's view, and that is why the government has already ensured that the community is actively involved in the process.

Again, whilst we will all have the opportunity sometime next year when the select committee reports to have our say on the outcome of that inquiry, as a member of the select committee it would be fair of me to say that whilst not all those attending meetings liked what was said at the local meetings or the format, or indeed that their views were not given the weight they believed they deserved, none suggested the engagement did not actually occur.

Even more importantly, I cannot remember anyone who gave evidence to the committee not agreeing with the need to have marine parks and sanctuary zones, certainly not when I was there and heard people.

The Hon. J.M.A. Lensink: That's true.

The Hon. CARMEL ZOLLO: The Hon. Michelle Lensink has indicated that is true, so I am pleased to hear that my memory serves me correctly. Clearly, the government's postponement of releasing any draft management plans for further re-engagement before consultation should actually be applauded.

As a way of providing some background, I am sure all members are aware that in 2009 the government established 13 marine park local advisory groups, which were based in regional communities right around the state. The purpose of these groups was to get as much local knowledge as possible to assist the government in the task of developing zoning arrangements for each marine park. These advisory groups were made up of community representatives and they were given the opportunity to put forward their ideas and advice about how their local marine park could be designed.

I understand that the Department of Environment and Natural Resources prepared some draft sanctuary zones and provided them to the marine park local advisory groups in November last year. The purpose of these drafts was to assist the advisory groups in identifying areas where sanctuary zones could be located. The drafts were not provided as a government proposal about

how things should or should not be done, but they were provided to give the advisory groups a starting point to begin their work.

I am sure I do not need to remind members that there was a lot of contention around the draft sanctuary zones at the time, and, while I do not intend to revisit that issue today, I would like to highlight to members that the community has made significant progress since that time. I am told that the advisory groups spent many months working with their local communities and developing advice for government. Some advisory groups used the draft zones that were provided by the environment department as a starting point; others chose to start all over again. The advice fed back to the advisory groups is now being carefully considered.

I have no doubt that preparing this advice was a significant task for these groups and I would like to acknowledge the work of all the local advisory group members, noting especially the efforts of the chairs of each group. There has been so much negative attention on marine parks, I think it is important that we do not forget that hundreds of people from right around the state have already volunteered many hours of work and have already made a significant contribution to this process. This is in spite of the suggestions made by the opposition that we are not talking to anybody.

I note that during her debate on this matter Ms Lensink highlighted that the opposition sought amendments to the Marine Parks Act in 2007 to broaden the consultation process. The government not only supported that amendment but went on to establish a process that the government believes goes well beyond what is required by the Marine Parks Act to ensure even greater community involvement.

Over many years the government has implemented a number of initiatives to ensure that the community is a key part of the marine parks planning process, and I should point out that all the work to date has been to inform the development of the draft—I will repeat that—draft marine park management plans, which will still be subject to full public scrutiny when they are released for public consultation next year.

In addition, there is an extensive amount of information available through the Department of Environment and Natural Resources' marine parks website, which includes information on science, zoning guidelines and a range of other materials for commercial and recreational fishers and the broader community.

I am advised that the outcomes of the meetings from all the marine park local advisory groups, the Scientific Working Group and the Marine Parks Council are all readily accessible, and freely available on the marine parks website. In fact, I am told that you could probably find anything you need to now about marine parks on this website.

The Hon. Michelle Lensink, in her previous speech, claimed that there is a lack of science. There is an extensive amount of scientific evidence readily available which supports the need for marine pack and sanctuary zones. I know minister Caica offered the whole parliament a briefing and, as members of the committee, we were similarly briefed on the science that was used. It may well be that some have differing views in relation to the science—I think the Hon. John Gazzola pointed that out on a couple of occasions during our visit—but to suggest that there is no science base is nonsense.

In my view, it is most unfortunate that there has been—in particular, over the last 12 months or so—a lot of misinformation spread about marine parks, which has only resulted in additional angst and confusion in the community. This is not to say that the community has not had genuine concerns; indeed, as to be expected with those appearing before a select committee, the select committee heard a great deal of concern, so I am not suggesting that at all.

I could get very political at this stage about who from the opposition has said what, or has done what, over the last few years, but I do not think it serves too much purpose today, especially given the time this evening. I will however repeat that it is unfortunate that some misinformation has been spread about marine parks; however, I think we all need to acknowledge there has been significant progress made in the last 12 months.

I think it is important to emphasise to members today that the implementation of marine parks is not breaking new ground, but is rather catching up with what is happening all around the country to improve the resilience of marine ecosystems. I am advised that South Australia is in fact the last state to implement marine parks that include these protection levels. Currently, only around 1 per cent of our state waters has a high level of protection.

Our state waters deserve greater protection. We are incredibly fortunate to have pristine waters on our coastline, and many of the plants, fish and other animals found off our coastline are found nowhere else. We should be doing all we can as a government, and as a community, to ensure that our oceans remain prosperous and healthy for current and future generations.

A decade ago, the Liberal Party shared this view; I am not sure what they think has changed. I again place on the record that this government recently announced that there will be an opportunity to work more closely with the government over the next few months so that we can ensure marine parks are something that everyone supports. I will conclude with the following comments from the recent media release:

> The success of marine parks will depend on shared ownership of the parks by all users of the marine environment.
>
> To achieve this we need a greater consensus on how our marine parks should be designed, so they can accommodate recreational and commercial fishing, tourism and a range of other uses, while meeting conservation objectives.

For all the reasons I have just outlined, the government opposes this motion.

The Hon. J.M. GAZZOLA (20:58): The Hon. Michelle Lensink stated in the introduction to her motion that:

> The 2002 Liberal election policy indicated our desire to complete the work by 2006 and the state had a long-standing obligation to establish a system of marine parks within the state's waters, flowing from the commonwealth's international obligations to the convention on biological diversity...It is my belief that each marine park and each of its zones should be guided by good scientific evidence...I do not have a particular fixed view about what percentage of each marine park should be within a sanctuary zone.

Given the combined momentum of these utterances, I am at a loss to understand the nominal intention of her moratorium motion on marine parks. What effect to advancing the case for good scientific justification for marine parks can such a moratorium have?

This is not a call for good science, or any science at all, but a rejection of scientific best practice. It seeks resolution through process at the expense of accepted scientific inquiry and practice. It questions the sincerity of Liberal policy and their commitment to marine parks. It would narrow public debate and further confuse sensible discussion.

It is apparent that the modus operandi, a modus vivendi in fact, of the opposition at both state and federal level is to ignore the science when it suits. If this motion is to be passed, it gives credence to politics over reasoned policy, which is its obvious aim. In finishing, there is, unfortunately, in the honourable member's debate more than a whiff of beating the bête noire.

The Hon. J.M.A. Lensink: The what?

The Hon. J.M. GAZZOLA: I will explain it to you later.

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

The Hon. J.M. GAZZOLA: Flogging the black beast. The member throws her hands in the air, claiming that the government's process is beyond her understanding, to be matched only by public cynicism. It is one thing to politicise the debate, but it is another to denigrate the hardworking public servants and officials who are honestly and earnestly working to resolve an important issue. Such populism is to be regretted. I do not support the motion.

The Hon. J.M.A. LENSINK (21:01): At the start of this contribution, I would like to thank honourable members for their contributions in this motion which, I note, I moved in February. Early on, we had contributions from the Hon. Mr Parnell, the Hon. Mr Hood, the Hon. Paul Holloway—who had some amusing and erroneous comments to make—and just this evening from the Hon. Carmel Zollo and the Hon. John Gazzola, who I also note made some remarks in his matter of interest this afternoon which I will make some comments on as well.

The Hon. Carmel Zollo is correct. Well, I agree with her, I should say—others can decide whether we are both correct or not—in that, to a degree, events have overtaken this process. It is, indeed, nine months since I moved this motion, so things have changed. We would like to put on the record that, when I moved this motion in February, 'the draft proposed sanctuary zones'—I think that was the spin that the government put on it—had recently been released at the end of November last year and communities were up in arms.

So, the purpose at that stage for calling for a moratorium was to say, 'Look, this is causing so much grief in the communities that will be affected that the government needs to take a step

back, take a deep breath and re-evaluate whether it has chosen the right path or not.' I think the penny has dropped with the government that they have caused a lot of angst unnecessarily and that has culminated in the Premier and the environment minister making the recent announcement about a delay to the next step in the process.

So, to a degree, I would well come their support of this motion. I think there is some common ground there in that there has needed to be a pause in this process to take stock of whether the government was going down the right path for not.

These proposed draft sanctuary zones sort of ended up with that label, I think it might have been towards late January or early February—when the minister was back on deck—because I think the government realised that there were some errors in the way that they had been designed. So, they said, 'Look, we are just putting these out there. These are not ours.' He has made the rather bold statement, 'These are not actually a government proposal', even though they had been issued by a government department.' These are just out there for you to talk about.' Well, goodness me, did they cause a lot of talk!

There has also been some mischief, I think, particularly from the Hon. Mr Gazzola that the Liberal Party does not support no-take zones. He referred to the Burnside meeting in his contribution this afternoon. I am surprised that he says that, because no government member actually had the guts to turn up, so I am not quite sure—

The Hon. R.I. Lucas: How they would know.

The Hon. J.M.A. LENSINK: —how they would know. My leader, Ms Isobel Redmond, said that we would scrap the draft sanctuary zones—those are her words.

The Hon. J.M. Gazzola: What else are you going to do?

The Hon. J.M.A. LENSINK: We will see how this process pans out, but I am not quite sure. A lot of people are waiting anxiously to find out where the final sanctuary zones will land and whether they will remotely resemble what the government has put out or not. I will talk about the science, because I think some comments need to be made on that. I will certainly talk about the science involved in this process. The Hon. Mr Gazzola, again, highlighted the focus on fishing which, again, is not supposed to be part of this debate but keeps on coming up.

The Hon. R.I. Lucas: His former leader said he went fishing all the time; that is why.

The Hon. J.M.A. LENSINK: That's right; yes, thank you. He may well be obsessed about it, which has got to be a good thing if he is a member of the select committee. So, we have had a belated moratorium of sorts from the government. The international obligations—this point has been made. It is out in the sector but it is certainly worth putting on the record because I think it highlights where the government has started to go wrong in this process.

The federal environment minister, the Hon. Tony Burke, wrote to Dr Gary Morgan on 25 January in relation to what our obligations are. He said:

> The biodiversity targets recently agreed under the Convention—

that is the CBD, Convention on Biological Diversity—

> are contained in the Convention's new strategic plan. That plan notes that all targets are 'aspirations for achievement at the global level and a flexible framework for the establishment of national or regional targets'. As such, the specific targets are not binding on Australia.
>
> The Australian government does not interpret the target that you are referring to (target 11) in the new strategic plan of the Convention as requiring at least 10 per cent of coastal and marine areas to be strictly protected as no-take areas. Furthermore, as you may be aware, commonwealth marine protected areas can be assigned and managed in accordance with six different International Union for Conservation of Nature protected area management categories,—

which is often referred to as IUCN—

> which range from strict conservation to multiple use.

which broadly equate to the four levels that are contained in the Marine Parks Act.

Indeed, I note that in this state we have already met our CBD obligations, because what that letter from Tony Burke says is that you only need to have 10 per cent under management, not in strict no-take zones. So, the sanctuary zones have been set up using the parameters that were set by the Scientific Working Group.

The Scientific Working Group has actually perpetuated a myth among the conservation sector in that the parameters—and this is contained in a letter from the chair of the Scientific Working Group to the minister, the Hon. Paul Caica—of sanctuary zones should be at least seven to 10 kilometres in size and should take up some 10 to 13 per cent, which should then be surrounded by a buffer of habitat protection zones. (Those are not complete no-take zones, they just prevent take for commercial purposes but allow it for recreational purposes.)

This set of parameters was promulgated to the LAGs. I do not think I have denigrated any public servants; in fact, I think some of the evidence that we have received is that some of the ground officers of DENR were given these instructions and told that they had to tell their LAG groups, when they were trying to come up with alternatives, that they cannot move the boundaries around too much. It has been described as like playing a game Tetris.

I do not know what the science in that is, because my understanding of sanctuary zones is that you protect spawning grounds, estuaries, upwellings—areas where you have high conservation value. You do not just have a particular size that has been set as some sort of government arbitrary target and say that you can just move it around on the map and that will constitute a sanctuary zone. So, that is what the Liberal Party position is. I have stated it before and I stand by everything I said in my speech when I moved this motion.

The recent government announcement was rather interesting. A number of people are trying to interpret what it really means. I would also like to quote from the Premier's media release of 19 November. It states, 'he wanted to re-engage with key sectors in an effort to find common ground.' Some sectors have been left out entirely, and I will name them. They are local government, the commercial fishing sector and tourism. So, I am not sure how the government can try to defend this process when it has not been part of it at all. Further, the Premier said:

> The feedback that I have received is that some groups feel like we haven't listened.

Well, golly gee, that is because they haven't. Further, on the second page, this might be a hint at what the government intends:

> ...there are still a lot of questions...so over the summer months the State Government will be at ramps and other locations—

which sounds to me like a re-education program. Whether it was an attempt to get some clean air because the government has realised maybe through some of its internal polling that this is a problematic issue for them or whether we should regard it with suspicion or not, a cynic might say that it has some relationship to the upcoming Port Adelaide by-election. A cynic might also point to the shoppies union motion which says, on page 22, SDA (Marine Parks) in motion No. 98:

> Convention calls on the Government to allow recreation fishing—

it is 'recreational', so it is a typo—

> in all proposed Marine Park sanctuary zones.

That is actually an illegal proposition, but never mind. The motion continues:

> In relation to commercial fishers convention calls on the Minister for Environment to ensure that the final Marine Park Sanctuary zones are significantly reduced in size to what is currently proposed. The size locations of these sanctuary zones under the Marine Park Act 2007 must reflect the priorities and concerns demonstrated by local communities through the state-wide DENR convened Marine Parks Local Advisory Groups. And that all future negotiations regarding the final sanctuary zones directly involve the Minister's office and representatives of local affected communities.

I would also like to put on the record my thanks for all of the work that the LAGs did and commend those remarks made by the Hon. Carmel Zollo. I think a lot of people have put in a lot of their voluntary time.

A cynic might also say that this is the government's opportunity to throw out the LAG advice because we know that the department does not like it. I note that the conservation sector in relation to this recent announcement by the government has welcomed delay. Mr Peter Owen of the Wilderness Society, a recipient of the Jill Hudson Award—congratulations to him—might have described it on the ABC TV, if I caught it correctly, as a smart move. The Conservation Council has also welcomed the delay.

Just in making those remarks, I would note that earlier this year when this motion was put on the *Notice Paper* I had strong concern expressed to me by the Wilderness Society. At that stage

I had said to them that, if the local communities are not going to support this, you have Buckley's of this really getting through, and hopefully that issue has been realised.

This process has undermined the trust of those who will be directly affected—regional coastal South Australians. We have been accused on this side of the house a number of times of whipping up hysteria. I will say for the umpteenth time that we did not whip people up; they were already pretty upset.

The Hon. R.I. Lucas: We were just sharing facts.

The Hon. J.M.A. LENSINK: That's right. Indeed, the CEO of the environment department, Mr Allan Holmes, has also accused us of that, and I reject that. I think it is disappointing that the cause of the environment has been set back by this process. I think a lot of people in regional areas are quite cynical about a lot of the motivations of some sections of the conservation sector. It is disappointing that that trust has been breached.

I hope that it can be retrieved but I certainly think that the process of putting out those sanctuary zones, which comes down to a simple concept that if you are going to take away people's existing rights, you have to give them a good reason and most people who have been involved in this process did not feel that there was adequate rationale for the way those sanctuary zones were released. I live in hope that the government may listen and that it may take into consideration those concerns from local people, but I am a cynic and I do hope that my fears will not be met but you never know your luck. With those words, I commend the motion to the house.

The council divided on the motion:

AYES (11)

Bressington, A.	Brokenshire, R.L.	Darley, J.A.
Dawkins, J.S.L.	Hood, D.G.E.	Lee, J.S.
Lensink, J.M.A. (teller)	Lucas, R.I.	Ridgway, D.W.
Stephens, T.J.	Wade, S.G.	

NOES (10)

Finnigan, B.V.	Franks, T.A.	Gago, G.E. (teller)
Gazzola, J.M.	Hunter, I.K.	Kandelaars, G.A.
Parnell, M.	Vincent, K.L.	Wortley, R.P.
Zollo, C.		

Majority of 1 for the ayes.

Motion thus carried.

CRIMINAL LAW CONSOLIDATION (LOOTING) AMENDMENT BILL

Second reading.

The Hon. S.G. WADE (21:21): I move:

That this bill be now read a second time.

I rise today to speak briefly on the Criminal Law Consolidation (Looting) Amendment Bill 2010. The bill seeks to amend the Criminal Law Consolidation Act to adopt aggravated penalties for looting in not only the circumstances where an emergency declaration is in force but also where there has been advice to put in place a bushfire action plan.

The opposition strongly supports the efforts of the member for Davenport (Hon. Iain Evans) in bringing this issue to the attention of the parliament. As the honourable member explained in his second reading contribution in the other place, this bill was introduced in response to bushfires in South Australia, Western Australia and Victoria where there were reports of people scavenging through people's half-burnt houses and businesses and stealing from them.

This issue is particularly relevant in consideration of the disasters that have occurred throughout Australia in recent years, from the bushfires in Victoria, to the floods and Cyclone Yasi

in Queensland. It is a sad fact that during such difficult times for communities some people prey on the misfortune and vulnerability of others by looting homes and businesses.

We saw this not only in the Victorian experience but also in the wake of the Queensland floods. In Victoria, the bushfires of Black Saturday on 7 February 2009 led to the death of 175 people yet, even in the aftermath of such a great tragedy, reports of looting still surfaced. In Queensland, looting was identified as a major problem after the flooding early this year, with Deputy Commissioner Ross Barnett stating that, 'One of the many pressures people face is uncertainty about the security of their property and homes and businesses and their incapacity to protect what they own.'

It is incumbent on this parliament to protect people affected by such tragedies through the imposition of appropriate penalties. This bill does just that by treating theft and robbery as aggravated offences when committed during an emergency situation. This would mean that the penalty for theft would increase from 10 years for a basic offence to 15 years for an aggravated offence and, for robbery, from 15 years to life imprisonment. These changes would reflect the abhorrence with which the parliament and society regard such behaviour.

Given the government's initial opposition to this bill, I congratulate the Hon. Iain Evans for continuing to pursue this important issue and for reaching a bipartisan policy outcome as reflected in the vote in the House of Assembly. I commend the bill to the house and hope that it might receive a similarly warm reception in this place.

Debate adjourned on motion of Hon. Carmel Zollo.

CORRECTIONAL SERVICES (MISCELLANEOUS) AMENDMENT BILL

In committee (resumed on motion).

Clause 41.

The Hon. A. BRESSINGTON: I move:

Page 15, after line 13—Insert:

(3) Section 67—after subsection (10) insert:

(11) If the Board, in notifying a prisoner of a matter that might assist the prisoner in making any further application for parole, recommends that the prisoner undertake specified activities or programs for the purposes of such an application, the CE must ensure so far as is reasonably practicable that the prisoner is given an opportunity to comply with the recommendation.

As I explained in my second reading contribution, this amendment seeks to make recommendations by the Parole Board that inmates participate in rehabilitation or resocialisation programs binding on the Department for Correctional Services. This is a further measure to address the catch 22 and was suggested to me by Mr Chris Charles, Senior Counsel of the Aboriginal Legal Rights Movement, and it is supported by the head of the Parole Board, Ms Frances Nelson QC.

Numerous constituents have had their parole applications denied and received a recommendation that they participate in resocialisation and offender programs, yet the department has been unwilling to offer these services because it foresees that the executive will ultimately deny the inmate parole. Earlier I gave the example of Mr Derek Bromley. In such cases my amendment will require the department to offer programs recommended by the Parole Board.

I am sure that the Parole Board will exercise this power sparingly and, for this reason, I am not overly concerned that there will be undue resource implications for the department. Regardless, corrections will only be required to offer recommended programs where reasonably practicable. At present, the department in second-guessing the executive (as I have mentioned over and over during the course of this bill) is essentially ignoring express recommendations of the Parole Board.

As I said (and this was actually confirmed, again, by Mr Severin, Chief Executive of Correctional Services), while the department's position is understandable, such an amendment would make clear that the department's role is to give effect to recommendations of the Parole Board and actually not second-guess the decision of the executive. I commend the amendment to the committee.

The Hon. G.E. GAGO: The government opposes this amendment. The new subsection will compel the CE to ensure that a recommendation by the Parole Board is undertaken that relates

to a prisoner undertaking certain activity or programs for the purpose of a future application for parole. Obviously, we do not support this. The undertaking of activities and programs by prisoners nearly always requires prisoners to be placed at certain locations. The placement of prisoners appropriately rests with the chief executive.

Placement is complex and requires the consideration of a great deal of information. The duty of care of prisoners is taken very seriously, and in this regard it simply may not be possible to place a prisoner in a certain location or into a certain program upon the request of the Parole Board. Many prisoners have enemies in the system and enemy issues must be considered when placing prisoners at locations or in programs.

Recommendations by the Parole Board will continue to be considered, obviously, as part of the overall individual placement and development plans for prisoners. They clearly are very important and highly regarded. Additional legislative provision, however, we do not believe is required.

The Hon. S.G. WADE: Whilst the opposition is sympathetic to the concerns that have led to the honourable member moving this amendment, it is our view that it is best to allow normal accountability processes for such departmental decisions rather than allowing a quasi-judicious body such as the Parole Board to determine priorities for the delivery of departmental resources without full information as to competing priorities and factors. We will not be supporting the amendment either.

The Hon. A. BRESSINGTON: First of all, I will remind members that the bill states 'where practicable', so, where reasonable. It does not mean that every recommendation made by the Parole Board has to be taken up where it is not in the best interest of the inmate to do so. If he or she has enemies in certain areas, or whatever, that would be taken into consideration, obviously. I remind the Hon. Stephen Wade that the Parole Board already makes these recommendations, and that is the problem.

These recommendations are being made and being ignored because Corrections are second-guessing the decision of the executive that parole will not be granted. Not that it is not already a duty of the Parole Board, and it should already be the responsibility of Corrections to follow through on those recommendations; but it is that catch-22 that my amendment earlier would have fixed, but people have chosen to ignore this—bury our head in sand and pretend that this situation actually does not exist even though Mr Severin himself admitted it does and the head of the Parole Board has requested these changes.

Amendment negatived; clause as amended passed.

Clauses 42 to 45 passed.

Clause 46.

The Hon. S.G. WADE: I move:

Page 17, lines 12 to 15 [clause 46(1), inserted subsection (1)]—Delete:

> 'the balance of the sentence, or sentences, of imprisonment in respect of which the person was on parole, being the balance unexpired as at the day on which the breach was committed' and substitute:
>
> the sentence, or sentences, of imprisonment in respect of which the person was on parole for such period as the board thinks appropriate, but not exceeding—
>
> (a) the period between the day on which the breach occurred and the date of expiry of the parole; or
>
> (b) such lesser period as the board thinks fit.

The bill removes the distinction between standard and designated conditions. All breaches of parole will potentially leave a prisoner liable to serving the remainder of their sentence in prison. The Law Society has proposed that clarification of the changes will still allow the Parole Board to exercise the discretion of the length of further periods of custody. This opposition amendment provides that clarity.

For the benefit of honourable members, I will read the relevant excerpt from the Law Society letter to me, referring to section 74(I)—clause 46:

We do not support this proposal. It appears to give no discretion to the Board other than between not acting and requiring the parolee to serve the balance of the unexpired term. The Board should have the discretion to

require the parolee to serve a portion of the unexpired term commensurate with the breach of condition. Parolees will breach conditions of parole. A large majority of those breaches will not justify the imposition of the balance of the unexpired term.

The less important conditions should not be elevated in importance to designated conditions. For the less important conditions, serving up to an extra six months imprisonment is a harsh enough consequence for breaching a condition not considered important enough to be a designated condition.

If any amendment is necessary, it could be along the lines of empowering the Parole Board to refer the matter to a court where the Parole Board is of the view that six months imprisonment is not sufficient for the breach.

In consideration of that advice, I move the amendment.

The Hon. G.E. GAGO: The government opposes this amendment. The bill provides for parolees to serve the remainder of their sentence in cases where the Parole Board has cancelled the parole order. The member has proposed to alter the wording to specifically provide that the Parole Board can sentence a parolee to serve a lesser period. The bill as drafted provides that the board may cancel parole and order the parolee to serve the remainder of a sentence or sentences in prison.

In essence, it removes the six-month maximum imprisonment in the current act, so let me be quite clear that the government will continue to be tough on crime and to ensure that those who breach parole face the consequences of their actions accordingly. The bill is drafted in accordance with the original intention of being tougher. That is, if a parole is cancelled then the offender should be required to serve the full remaining period of the original sentence and be subject to a board decision about further release to parole.

The board, however, will still have flexibility. It can impose community services under section 74A(a) if it does not wish to exercise powers under section 74, that is, to return the parolee to prison. For those reasons, the government does not support this amendment.

Amendment negatived, clause passed.

Clauses 47 and 48 passed.

Clause 49.

The Hon. S.G. WADE: I move:

Page 19, line 1 to page 20, line 5 [clause 49, inserted sections 76A and 76B]—

Delete sections 76A and 76B and substitute:

76A—Apprehension etc of parolees on application of CE or police officer

(1) If the CE or a police officer suspects on reasonable grounds that a person who has been released on parole may have breached a condition of parole, the CE or police officer may apply to—

(a) the presiding member or deputy presiding member of the Board; or

(b) if, after making reasonable efforts to contact the presiding member and deputy presiding member, neither is available—to a magistrate,

for the issue of a warrant for the arrest of the person.

(2) A warrant issued under this section authorises the detention of the person in custody pending appearance before the Board.

(3) A magistrate must, on application under this section, issue a warrant for the arrest of a person or for the arrest and return to prison of a person (as the case may require) unless it is apparent, on the face of the application, that no reasonable grounds exist for the issue of the warrant.

(4) If a warrant is issued by a magistrate under this section—

(a) the CE or police officer (as the case requires) must, within 1 working day of the warrant being issued, provide the Board with a written report on the matter; and

(b) the warrant will expire at the end of the period of 2 working days after the day on which the report is provided to the Board; and

(c) the presiding member or deputy presiding member of the Board must consider the report within 2 working days after receipt and—

(i) issue a fresh warrant for the continued detention of the person pending appearance before the Board; or

(ii) cancel the warrant, order that the person be released from custody and, if appearance before the Board is required, issue a summons for the person to appear before the Board.

(5) If a warrant expires under subsection (4)(b) or a fresh warrant is not issued under subsection (4)(c)(i), the person must be released from detention.

(6) The Board may, if it thinks there is good reason to do so, by order, cancel a warrant issued under this section that has not been executed.

I indicate to honourable members that this is perhaps one of the most substantial amendments that we have had to consider in relation to this bill. I also highlight that in the one amendment it deals with two separate proposals in the bill: one in relation to the chief executive of the department dealing with breaches of parole and another in relation to police. Given that the opposition considers that the appropriate model would be the same for both even though the government is suggesting a different model for both, our one amendment would deliver commonality for both. I will explain in more detail.

Currently, a member of the Parole Board may apply to a justice of the peace for a warrant for the arrest of a parolee for the purpose of bringing them before a hearing of the Parole Board. A warrant may also be issued by two members of the Parole Board. The bill proposes to allow both the presiding member and the deputy presiding member of the Parole Board to issue warrants, one without the concurrence of the other. Other changes in the bill would require any other member of the Parole Board to apply to a magistrate rather than a justice of the peace for a warrant if required. All warrants can only be issued if a reasonable suspicion of a breach of parole exists.

The bill proposes that the Chief Executive of the Department for Correctional Services would also have the power to issue a warrant if they have a reasonable suspicion that a parolee has breached a condition of parole. The Parole Board, the Law Society and the Aboriginal Legal Rights Movement are all opposed to these changes.

To summarise the objections that have been raised, allowing the issue of a warrant by the chief executive would involve the following detriments. Firstly, it would fragment the coordination of parole by the Parole Board. Secondly, it would involve the chief executive in a quasi-judicial function, which is in conflict with the role of the chief executive as a gaoler. Thirdly, it creates a conflict of interest for the chief executive, given the challenges of bed management in a chronically overcrowded prison system. Fourthly, it promotes forum shopping amongst the Parole Board, the chief executive and the police. Fifthly, it provides unnecessarily extended periods of detention.

The Parole Board has indicated to the opposition that two working days for a review of a warrant issued by the chief executive would be sufficient, with the chief executive being required to report to the Parole Board within one working day of the issue of the warrant. In relation to police and arrests, the bill also proposes to give the police the power to arrest a parolee without a warrant if a person is suspected of breaching a parole condition, and if that person presents an imminent and serious risk to public safety.

A person detained under the bill provisions could be held for up to 12 hours before the Parole Board is notified. I stress to the council that the police already have the power under section 75 of the Summary Offences Act to:

...without any warrant other than this Act, at any hour of the day or night, may apprehend any person whom the officer finds committing, or has reasonable cause to suspect of having committed, or being about to commit, an offence.

The police also have a range of public disorder provisions available to them. I am advised by the head of the Parole Board and independent lawyers that they cannot conceive of a situation where a person represents an imminent and serious risk to public safety and would not be able to be arrested under current police powers without the need to access parole information or to reference a breach in parole conditions.

The proposed police involvement has all the detriments of the proposed chief executive involvement but also puts police at significant risk of accusations of false imprisonment. In saying 'accusations', it goes without saying that false imprisonment can involve significant civil liability if proven. The opposition appreciates that the current process can and should be made more efficient; on that, the government and the opposition agrees. But our amendment proposes what we believe is a more reasonable measured response and one which maintains the integrity of the parole system under the Parole Board.

Our amendment proposes that the chief executive or the police be able to apply to a magistrate for a warrant to arrest a parolee when the Presiding Member and the Deputy Presiding Member are not available, where the chief executive or the police needing to provide a report to the Parole Board within one working day, with the Parole Board having two working days to respond. As members know, magistrates are readily available.

We understand from the Parole Board that the Parole Board is readily available, but we appreciate that from time to time it is not possible to access appropriate members of the Parole Board and believe that this access to a magistrate as an alternative is a much better way of dealing with the issues rather than the rather cumbersome proposals in relation to the chief executive and the police. I commend the amendment to the committee.

The Hon. G.E. GAGO: The government opposes this amendment. The honourable member is quite right: this is one of the most serious changes to this bill that this chamber has dealt with. I cannot express strongly enough how much the government opposes this and is concerned about the prospect of the honourable member's amendment gaining support. It is felt that including the chief executive to be able to issue a warrant is sufficient for warrant-issuing purposes. The bill provides for the arrest of a parolee by a police officer when there is a breach of parole conditions and the parolee is presenting a risk to public safety. The Commissioner of Police requested this power, and the community has a reasonable expectation that the police should be able to intervene to maintain safety and to defuse dangerous situations before they escalate.

The government appreciates very much that the honourable member has a differing view about this, but there are safeguards within the bill that we believe more than adequately ensure the Parole Board has a timely review of any such arrest under the new proposed section. Therefore, the government opposes this amendment and strongly urges honourable members to do the same.

The committee divided on the amendment:

AYES (11)

Bressington, A.	Dawkins, J.S.L.	Franks, T.A.
Lee, J.S.	Lensink, J.M.A.	Lucas, R.I.
Parnell, M.	Ridgway, D.W.	Stephens, T.J.
Vincent, K.L.	Wade, S.G. (teller)	

NOES (10)

Brokenshire, R.L.	Darley, J.A.	Finnigan, B.V.
Gago, G.E. (teller)	Gazzola, J.M.	Hood, D.G.E.
Hunter, I.K.	Kandelaars, G.A.	Wortley, R.P.
Zollo, C.		

Majority of 1 for the ayes.

Amendment thus carried; clause as amended passed.

Clauses 50 to 57 passed.

Clause 58.

The Hon. S.G. WADE: I move:

Page 30, line 30 to page 31, line 6 [clause 58(3) and (4)]—Delete subclauses (3) and (4)

We regard this clause as fundamentally unnecessary now; we will not call it consequential, but it is certainly related to the amendment that was just supported. The bill proposes to compel the Parole Board to notify the Commissioner of Police of the place of residence of a parolee and the conditions to which the release on parole is subject. We believe this provision would only be necessary if the new breaching arrangements had been in place. The bill's proposal is not supported by the Parole Board or the ALRM, and the opposition amendment removes it.

The Hon. G.E. GAGO: The government rises to oppose this amendment. The community has a reasonable expectation that police, correctional services, other government agencies and NGOs work together to keep our community safe and help parolees stay out of prison. It makes

sense that police should be notified of parolees' approved addresses and conditions of parole in order to provide proper management of parolees in the community.

A good example might be a parolee who is subject to a condition that prohibits him from, for instance, being on licensed premises. Alcohol may have been a significant contribution to their previous offending. If police were aware of the condition immediate notification to the Department for Correctional Services and the Parole Board could be undertaken to enable appropriate, timely action.

The sharing of information is intended to enhance the monitoring and supervision of parolees in the community. Without this provision other key reforms in this legislation, including improvements to the issuing of warrants, the enhancement of police powers and the strengthening of the role of the Parole Board are, quite simply, diminished. The member's proposed amendment to remove the provisions in the bill are therefore strongly opposed.

The Hon. S.G. WADE: I appreciate that the minister may need to edit her notes, but the diminution of the warrant provisions is hardly a good argument to maintain this provision, considering we have already deleted the warrant provisions.

The Hon. T.A. FRANKS: I indicate that the Greens will not support the Wade amendment.

Amendment negatived; clause passed.

Clause 59.

The Hon. S.G. WADE: I move:

Page 31, after line 19 [clause 59, inserted section 85CA]—After subsection (1) insert:

(1a) However, a Chief Executive is not required to disclose any such personal information unless the Chief Executive believes on the balance of probabilities that the information is correct.

Clause 59 of the bill compels the chief executives responsible for the administration of the Health Care Act 2008 and the Mental Health Act 2009 to disclose 'personal information about a prisoner as is reasonably required for the treatment, care or rehabilitation of the prisoner.' However, personal information is defined as being information or opinion whether true or not. The ALRM has raised the issue that the definition in the section should only allow truthful information to be provided; we need to have checks and balances in place.

The opposition supports that logic, and our amendment reflects that view. So the amendment would provide that prisoner information could only be disclosed between chief executives where the chief executive believes, on the balance of probabilities, that the information provided is true. It is not requiring the chief executives to go to any great onerous burden to establish the truth, but just not be in the business of transferring information which they believe is untrue. We do not believe that is good public administration; it is certainly not good health care. We believe that this provision should be amended.

The Hon. G.E. GAGO: Based on very good advice from parliamentary counsel is the simple answer. The government rises to oppose this amendment based on very sound advice. The wording that the honourable member proposes is based entirely on the associated health legislation—section 93(6) of the Health Care Act 2008, and section 106(5) of the Mental Health Act 2009—and should remain as drafted. As I said, this was defeated in the lower house based on sound advice from parliamentary counsel. Their view is that it has to remain drafted as is, and we are adhering to their advice.

The Hon. S.G. WADE: I am bemused, because parliamentary counsel certainly did not give us that advice in drafting our amendments.

The Hon. G.E. Gago: Pop over and—

The Hon. S.G. WADE: I am happy to do that. If the Chair is agreeable, I am happy to consult.

The CHAIR: While you are doing that, I will ask the Hon. Ms Franks to make a contribution. You can whip over there and ask.

The Hon. T.A. FRANKS: The Greens will not be supporting this amendment. If the chief executive does not believe the information to be truthful or accurate, the chief executive would indicate that when the chief executive conveyed the information.

The Hon. D.G.E. HOOD: I am of a different view. I am inclined to support the amendment. Again, just on a brief reading of the amendment, it says plainly, 'However, a Chief Executive is not required'—being the crucial words, I think—'to disclose any such personal information unless the Chief Executive believes on the balance of probabilities that the information is correct.' I think that is only going to add some certainty to the decision-making. I understand the Hon. Mr Wade is going to consult, so I will reserve our final position until he has done that but, on the balance of probabilities, I believe it is worth supporting.

The Hon. A. BRESSINGTON: Maybe the minister can clarify this for me: when we are talking about the chief executive passing on information that may or may not be true or believed to be true—whatever it is—that could be someone claiming to have a mental illness. The chief executive may think the person does not have a mental illness, but it is not up to him to be able to diagnose that sort of thing, so he would still need to put that in his report that these are the signs and symptoms and the claims that are being made. Is that where we are going with this?

The CHAIR: Is the Hon. Mr Wade going to consult?

The Hon. S.G. WADE: I have no intention of leaving the discussion the chamber is having, and I would interpose with a comment that the Hon. Ann Bressington has made in that I think one of the real risks with this proposal—and what the intent seems to me—is that the Department for Correctional Services is trying to get access to a fuller set of information so that it can make its own judgement.

With all due respect to the Prison Health Service, which supports the Department for Correctional Services, I would have more confidence in Health SA and the mental health services than feeling that DCS can second-guess the judgement of, if you like, the original healthcare provider as to the truth or otherwise of the information. I believe that we should not be forcing medical practitioners to provide information that they do not believe is true and is helpful for the diagnosis and the treatment of the person.

Parliamentary counsel has highlighted that it might be an onerous duty to put a balance of probabilities requirement on the person providing the information, so the government has agreed that the opposition will consult parliamentary counsel over the next 24 hours to explore the possibility of the chief executive not being required to provide information which they consider is not true, in other words, remove the balance of probabilities.

They are the sort of issues that we will discuss with parliamentary counsel and I invite any other members who have a view that they would like to feed into that discussion. I thank the minister for indicating that she would be happy for this to be dealt with as a recommittal matter as we already have one recommittal matter which we will need to deal with tomorrow.

The Hon. D.G.E. HOOD: I think that is a sensible outcome. I just want to clarify that we reserve our position. We are inclined to support the amendment but we reserve our final position until we have had clarification.

The Hon. A. BRESSINGTON: I actually want an answer to my question.

The Hon. G.E. GAGO: Yes, I am happy to answer your question. The issue for the government is, first, that we have a consistent provision throughout legislation and this is congruent with acts elsewhere; the other issue is that this is information that has been passed on by the healthcare executive to Correctional Services to help with the management and rehabilitation of a prisoner.

The issue is that we are saying that it is impossible. The opposition is saying words to the effect—and we are going to work on these words tomorrow—that health professionals should not hand over any information they know to be untrue or that they believe on the balance of probabilities is not true. What we are saying is that that is an impossible ask because there is no way that a chief executive is necessarily going to know what elements of that information are absolutely true, might probably be true, are likely to be untrue or absolutely not true. That is an impossible ask.

We are saying the onus (and what occurs in other legislation) is that they provide the advice that they have, the expertise that they have, but hand over all the relevant information to Correctional Services, and they should not have discretion to make judgements about information that they may well not have the expertise or be equipped to make judgements about. That is the thrust of it.

The opposition clearly has a very different view. Our view comes from a more cautionary approach, and that is, if in doubt then hand everything over as is. The opposition is saying no, you only hand over that information that is believed to be true, to one degree or another, and we will work on the actual words of that overnight.

The Hon. A. BRESSINGTON: What we are basically talking about here is the handing over of medical files, and the Hon. Stephen Wade's amendment would mean that the chief executive would have to pick through those files and make determinations of what information is handed over and what is not.

The Hon. G.E. Gago: Yes; whether it is likely to be true or untrue.

The Hon. A. BRESSINGTON: Okay.

The Hon. S.G. WADE: If I could speak on my own behalf, it is just that the minister is explaining the amendment that we have indicated that we do not intend to move, so that may be relatively helpful. Following the discussions, what we are currently suggesting—which is what I thought I had explained to the council briefly a minute ago—is that, to avoid the need for the chief executive to make an active judgement that everything is true on the balance of probabilities, at least not to require them to hand over information which they know not be true.

Members interjecting:

The Hon. S.G. WADE: No, I am sorry, I have the call. The minister is suggesting: how would the chief executive know? The fact of the matter is that the chief executive who has custody of the Health Care Act and the Mental Health Care Act has the mental health practitioners under them. That is where the advice comes from. It is not some bureaucrat who makes these judgements.

Members interjecting:

The PRESIDENT: Order! I thought the Hon. Ann Bressington described it pretty well. I understood that part.

The Hon. A. Bressington: Thank you.

The CHAIR: The Hon. Mr Wade has moved this amendment. We should deal with it and then recommit the clause tomorrow.

Progress reported; committee to sit again.

STANDING ORDERS SUSPENSION

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for Tourism, Minister for the Status of Women) (22:11): I move:

That standing orders be so far suspended as to enable the Clerk to deliver the messages and the Roxby Downs (Indenture Ratification) (Amendment of Indenture) Amendment Bill, the Parliamentary Remuneration (Basic Salary) Amendment Bill and the Workers Rehabilitation and Compensation (Employer Payments) Amendment Bill to the House of Assembly when the council is not sitting.

Motion carried.

At 22:12 the council adjourned until Thursday 1 December 2011 at 14:15.