LEGISLATIVE COUNCIL

Tuesday 13 March 2012

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

ARKAROOLA PROTECTION BILL

His Excellency the Governor assented to the bill.

VOCATIONAL EDUCATION AND TRAINING (COMMONWEALTH POWERS) BILL

His Excellency the Governor assented to the bill.

PAPERS

The following papers were laid on the table:

By the Minister for Agriculture, Food and Fisheries (Hon. G.E. Gago)—

Regulations under the following Act—
- Liquor Licensing Act 1997—Dry Areas—Long Term—
  - Ceduna and Thevenard Area 4
  - Clare—Date Variation

Rules of Court—
- Magistrates Court—Magistrates Court Act 1991—Civil—Amendment No. 41

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

Reports, 2010-11—
- Adelaide Festival Corporation
- JamFactory contemporary Craft and Design Inc
- Occupational Therapy Board of South Australia

Report of Actions taken by SA Health following the Coronial Inquiry into the Death of Mr Michael David Rex

Report of Actions taken by SA Health following the Coronial Inquiry into the Death of Ms Yan Yi Xu

By the Minister for State/Local Government Relations (Hon. R.P. Wortley)—

Corporation By-laws—City of Holdfast Bay—
- No. 1—Permits and Penalties
- No. 2—Moveable Signs
- No. 3—Local Government Land
- No. 4—Roads
- No. 5—Dogs
- No. 6—Cats
- No. 7—Foreshore

By the Minister for Communities and Social Inclusion (Hon. I.K. Hunter)—

Regulations under the following Acts—
- Education and Care Services National Law National Regulations (No. 653 of 2011)
- Education and Early Childhood Services (Registration and Standards) Act 2011—
  - Variation Regulations

PROCUREMENT WORKING GROUP

The Hon. R.P. WORTLEY (Minister for Industrial Relations, Minister for State/Local Government Relations) (14:22): I table a ministerial statement made by my colleague the Hon. Michael O'Brien, Minister for Finance, in another place today about the Procurement Working Group Final Report. I also table the final report.

QUESTION TIME

TOURISM COMMISSION

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:23): I seek leave to make a brief explanation before asking the Minister for Tourism a question about the visitor information centre.

Leave granted.

The Hon. D.W. RIDGWAY: A few weeks ago, the opposition received a copy of a letter from Holidays of Australia, the successful tenderers for the visitor information centre, to the then chief executive of the Tourism Commission, Mr Ian Darbyshire. While I will not quote the whole letter, the first point raised in the letter talks about the fact that Holidays of Australia has made losses of some $150,000 in the first six months of the licence agreements, that they will certainly continue to make losses going forward and that there were fundamental concerns to be addressed. The first concern mentioned in the letter to Mr Darbyshire was that:

> The historical sales information provided by the commission during the tender process was completely inaccurate and misleading.

The letter goes on to state that, on page 5 of part B of the tender documents, the commission stated that the booking volumes for the retail outlets over the past 12 months of the travel centre were 98,015 enquiries, and that equated to 9,062 bookings. The letter goes on to state:

> We now know, and staff at the Commission have confirmed, that these figures were grossly overstated (we estimate by 45,000 enquiries per annum). My understanding is that the enquiries figure is not limited to travel enquiries, as it includes enquiries for BASS and Ticketek tickets (eg for AAMI Stadium tickets). And in relation to booking figures, my understanding is that the Commission has (for example) counted a booking by a family of 4 (2 parents and 2 children) as 4 bookings, whereas the industry norm is to treat that as 1 booking.

I am also advised that the cattle drive in 2010 generated some $423,000 of revenue for the centre, but there was no actual planning to have that event in the future, yet those figures were included in the figures provided to Holidays of Australia. My questions to the minister are:

1. Who was responsible for ensuring that the data in the tender documents was accurate?

2. Is the bailout of Holidays of Australia an admission by cabinet that the tender process was based on inaccurate information?

3. How much money has been paid to Holidays of Australia and is also to be paid in the future?

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) (14:26): I thank the honourable member for his questions. This just shows how lazy and indifferent this opposition is. It is just so out of date. This stuff was on talkback radio and in the papers a month or more ago, and it is old news. The opposition is so lazy and so indifferent. Members cannot come into this place after a week's break from sitting with a new, innovative, testing question. What do they do? They come in here to rehash old news. They dust off old newspapers, they listen to and read old transcripts from radio stations. It is a disgrace. They are absolutely disgraceful. All of this is already on the public record. It has all been said and done and it is all over; it is basically all over.

Members interjecting:

The PRESIDENT: Order!

The Hon. G.E. GAGO: They are so lazy and indifferent. An agreement has been reached with Holidays of Australia. On 21 February I announced that the Tourism Commission and Holidays of Australia had reached an agreement to vary the licence agreement for the operation of the travel centre. Holidays of Australia approached the Tourism Commission back in December seeking to vary that agreement, and since that time the SATC has dealt with a number of issues, which have been resolved.

These issues have now been resolved through those negotiations and through landing on an agreement, in terms of a variation to the lease. These issues have been resolved. The agreement that has been reached means that the operations will continue for customers, staff and

tourism operators, so the good news is that the visitor centre will continue to operate. I have put this on the record before—

Members interjecting:

The PRESIDENT: Order!

The Hon. G.E. GAGO: I have put on the record before that the arrangements have been put in place for a period of up to six months, where the government has taken over the management of five staff who will continue to provide visitor centre types of services until the end of June, and they will do that from the Holidays of Australia venue and they will operate there rent-free. The agreement also included a mutual waiver—and this is also on the public record—that releases both parties from legal claims arising from the original agreement.

Both parties, when we sat down and agreed to that variation of a lease, agreed to sign off on all matters that led to the reviewing of that lease. Both parties agreed that we would then move on from that lease and resolve those matters in a satisfactory way to both parties and that we would move on, and that is exactly what we have done. I have also put on the record in a public way that, clearly—that correspondence has been around for over a month or more, well over that; so, as I said, it is old news.

The Hon. D.W. Ridgway interjecting:

The Hon. G.E. GAGO: It is old news; that's how pathetic and lazy they are. He has basically had to dust off an old piece of correspondence, and already—

The Hon. D.W. Ridgway interjecting:

The PRESIDENT: The Hon. Mr Ridgway should listen and learn.

The Hon. G.E. GAGO: I have already been clear about that, Mr President; that we do not agree with Mr Mead's interpretation of some of those matters, and we resolved any outstanding matters through the mutually agreed variation to the lease.

I was informed by the chief executive of the South Australian Tourism Commission at the time and, again, it is on the public record that he believed that the information that was given was given in good faith and was correct—and, again, old news. TV and radio have done that to death weeks and weeks ago, so all of that is on the public record.

In terms of what has been paid to Holidays of Australia, again, this is all on the public record. Under the previous lease agreement, again, those figures are commercially confidential, because if we do want to go out to a future tender process, talking about any particular monetary amounts could very much jeopardise the government's position to be able to negotiate the best possible price in the interest of South Australians. So, clearly, I am not prepared to talk about specific amounts, but we fulfilled our financial agreements under that former lease. We then varied the lease, which means that no further payments would be made.

So, our financial obligations in relation to our first lease were fulfilled. In relation to our financial obligations under the varied lease, as I said, we have taken over the management of those five staff who the South Australian government now pays for, so we do not pay that to Holidays of Australia; we have changed the employment contract of those people. There are no moneys under this varied lease arrangement that I am aware of that the government pays to Holidays of Australia, nor is there anything in the varied lease that I am aware of that requires or obligates us to pay any further moneys to Holidays of Australia.

Those arrangements have been fulfilled and are completed under the old lease arrangement. The new lease arrangements simply pick up the release of Mr Mead from the obligations that he had under the original lease, and takes up the management of the five staff and provides for them to be able to operate from those current premises rent-free.

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

TOURISM COMMISSION

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:33): Could the minister explain the $32,000 ex-gratia payment that was made to Holidays of Australia just before Christmas?

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) (14:33): Any payments that were made—and my understanding is that it was not an ex-gratia payment, but rather a payment that was part of the original lease agreement—

The Hon. D.W. Ridgway: Why would Mr Mead call it 'ex-gratia' then?

The Hon. G.E. GAGO: Well, as I have said in this place, we do not necessarily agree with all of the material and content that has been in that letter; we do not agree with that, but we have resolved those differences by varying the lease. Any payments that were made in December, if that is when it was—and I am not too sure exactly when the payment was made—would have been part of the original lease requirements and were part of those original obligations. As I said, there have been no payments, to the best of my knowledge, or that I am aware of, that—

The Hon. D.W. Ridgway: There should be; you're the minister.

The Hon. G.E. GAGO: I can only come into this place and say that we varied the lease and there are no financial obligations, and no payments are being made. I cannot be any clearer than that. The honourable member, as I said, is just part of a lazy, indifferent opposition. They sit on their hands and do absolutely nothing. The best he can do—the very best he can do—as Leader of the Opposition is come into this place with an old, dusty letter, with old information that he has dusted off—second, third and fourth hand information—and try to fly a kite.

As I said, it has all been said and done. All of that information I have been open, honest and transparent about. It is all on the public record. The questions have been answered in full several times, ad nauseam. I cannot help it if the honourable Leader of the Opposition is just too lazy to bother to read a newspaper or too lazy to switch on a radio and listen to a news update. He has to wait a month or so before he can get off his tail and be bothered to dust off a really old letter that has been in the public arena now for many weeks.

CITY OF ADELAIDE PLANNING

The Hon. J.M.A. LENSINK (14:34): I seek leave to make a brief explanation before asking the Minister for Tourism a question on the subject of the city's cultural precincts.

Leave granted.

The Hon. J.M.A. LENSINK: As the Fringe festival is under way, which showcases Adelaide around the world and brings in millions of tourism dollars, it serves as a reminder that Adelaide has not one but two neglected city cultural precincts in limbo. The first is Victoria Square, where plan after plan has been drawn up but nothing has come to fruition, and the second is the existing Royal Adelaide Hospital site. We had some mystical plans from minister Hill about a so-called Federation Square development on the site before the election but have yet to see anything since. My questions to the minister are:

1. Does the government have a master plan for either of these two sites?

2. Does the minister concede that if the government was not paying the equivalent of $2 million a day in interest payments there might actually be some money to do something about it?

The PRESIDENT: The minister will ignore the opinion.

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) (15:54): I will; thank you for your advice, Mr President.

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

The Hon. G.E. GAGO: Well, Mr President, they could come here with a decent question, for a change. Anyway, I thank the honourable member for her efforts. The question was at least better than that of the deputy leader. It had a bit more content and guts to it than the leader's question, although she has got the wrong minister, but not to worry.

Victoria Square is a project of the Adelaide City Council. It is a project that the council has had in place over many years and had many attempts at. It is a matter for the city council to progress. The government gave some financial commitment some time ago to assist in advancing that project, and I think the Adelaide Capital City Committee has responsibility for its oversight. The last I heard was that that project was still being considered and looked at.

It is a matter for the Adelaide City Council. They are the ones driving this, and it is Adelaide City Council ratepayers that are fundamentally backing it in terms of picking up the financial

commitment to that. As I said, this state government has indicated its preparedness to assist in various ways, and the rest sits with the Adelaide City Council.

In terms of the Royal Adelaide Hospital site, again, a great deal of consideration has been given there. The lead minister for consideration of that site has been the Minister for Health, the Hon. John Hill, and the last report I heard was that work was still being done and being considered in relation to that site. As we know, the move to that new hospital is still many years off. So, there is plenty of time to consider the use of that site very carefully, to ensure that we consult with all appropriate stakeholders and to make sure that we consider all options possible. As I said, considerable work has been done and no doubt will continue under the steady hand of the Minister for Health, the Hon. John Hill.

ZOOS SA

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) (14:40): I table a copy of a ministerial statement relating to Zoos SA made earlier today in another place by the Hon. Jack Snelling.

QUESTION TIME

MURRAY-DARLING BASIN AUTHORITY

The Hon. S.G. WADE (14:40): I seek leave to make a brief explanation before asking the Minister for Regional Development a question about Murray-Darling Basin Authority.

Leave granted.

The Hon. S.G. WADE: Water reform in the Murray-Darling Basin is one of the most important issues impacting on the Riverland and Lower Lakes regions. More than 1,200 people attended the Murray-Darling Basin Authority meeting in Renmark on Friday. The federal Labor government was there in the person of the federal Minister for Water, Tony Burke. The federal Coalition was there, with the Parliamentary Secretary for the Murray-Darling Basin, Senator Birmingham, and the local federal member, Mr Secker, both attending.

The state opposition was there in the person of the shadow minister for water security, Mitch Williams, the shadow minister for the environment, Steven Marshall, and the local state member Mr Whetstone. Neither the Premier nor the Minister for the River Murray attended. Neither the Premier nor the Minister for the River Murray attended the authority's Murray Bridge meeting on 9 December. As shadow minister for regional development I ask the minister why her government is so lazy and indifferent about the Murray-Darling region that neither she nor any other minister could be bothered to attend the Murray-Darling Basin Authority consultation meeting in Renmark last week.

The PRESIDENT: I must say they left pretty early when they knew they couldn't speak.

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) (14:42): Yes, it has been brought to my attention, Mr President, that, in fact, the lazy opposition who did attend that meeting left very early. I understand, Mr President, that you were there representing the government as you so aptly do. I think you sat there and watched each and every one of the Liberal opposition who were in attendance leave. The government again has outdone the performance of the opposition.

We know that the lazy opposition did not run home to write its own questions for question time—we certainly know they did not leave early to do that. This government has stood by farmers and irrigators. We have fought and fought to ensure the survival of this river. We have fought for this. This lazy lot in front of me, this lazy opposition, would sell us out. They would sell out the farmers. They would accept the deal that is on the table and say, 'This is as good as it is going to get. We'll take this and run.' That is how lazy, weak and pathetic they are—lazy, weak and pathetic.

We are in there fighting for this and we are prepared to take it all the way. We will fight this in the courts, we will fight it out there on the ground with farmers there beside us, shoulder to shoulder with us—the ALP—not this lazy, useless lot; not this lazy opposition in front of me. No, no; they are going to sell out. 'Oh, yes, we will take this and run.' That is a sellout. That is a sellout to our river, it is a sellout to our farmers, and it is a sellout to this state. It is lazy, weak and pathetic.

We are taking this all the way. That is what this government has done for the river, that is what this government has done for farmers, and that is what this government has done for this state.

RIVERLAND SUSTAINABLE FUTURES FUND

The Hon. G.A. KANDELAARS (14:44): 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 minister has spoken previously about—

Members interjecting:

The PRESIDENT: Order!

The Hon. G.A. KANDELAARS: The minister has previously spoken about the Riverland Sustainable Futures Fund and informed us about some of the projects which have met the criteria under the fund. Can the minister update the chamber on the progress of the AgriExchange project, which she spoke about in March last year?

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) (14:44): I thank the honourable member for his question. Members would be aware that the government established the Riverland Sustainable Futures Fund to help the Riverland region, which had been substantially impacted upon by severe and prolonged drought and was struggling to get back on its feet. This fund was about assisting them to move towards a sustainable economy in the future.

One way to have a sustainable economy is to build on the existing strengths of the region and to improve its competitive advantages. The citrus industry is one of the existing strengths of the Riverland region. With this in mind, in March of last year I approved a grant of $620,000 to AgriExchange, a citrus growing, packing and exporting firm, towards a $1.239 million expansion to improve its facility at Murtho in the Riverland, to revamp its production and packing lines and marketing of one million additional cartons of citrus.

Today, I am pleased to advised the chamber that this major expansion has been completed, well ahead of its scheduled completion date of May 2012. The project was finished four months ahead of schedule in January 2012. By doubling the fruit sizing capacity, auto-packing equipment and storage capacity, it allows the company to pack more citrus in South Australia, instead of sending some of the fruit interstate. I understand that some of it was going to Mildura to be packed. Processing all of the fruit it receives from its growers means that more work is available in the Riverland during packing, creating new casual jobs. The company has also more than doubled its target, increasing the number of seasonal casual jobs from 150 to 371.

I understand that the new equipment AgriExchange has installed has markedly increased productivity of the line, as well as doubling the sorting capacity on the packing line in the facility, improving the throughput from the point at which the fruit enters the facility through to its shipping. It has increased the speed of citrus sorting and packing, and the new automatic bin tippers mean improved efficiency of feeding fruit into the packing shed by 45 per cent, increasing from 45 to 65 bins per hour.

AgriExchange has targeted new and emerging markets, and the expansion has led to more exports, including more than 20,000 cartons of citrus to Thailand. The final project report from AgriExchange, a wholly owned subsidiary of CostaExchange Limited, has shown an increase of almost 360,000 cartons of citrus in 2011 compared to 2010. The estimated volume for 2012 onwards is expected to exceed 500,000 cartons per year more than before the project was initiated.

The Riverland has a proud history of being a citrus producer and is the source of almost 100 per cent of South Australia's citrus production, which means that it provides 28 per cent of Australia's production. AgriExchange currently handles about 50 per cent of South Australia's citrus crop. I congratulate the company on the work it has done and the remarkable increase in jobs and exports and productivity. It is a great result, which I hope will see even bigger growth in exports from the Riverland into the future.

The $20 million Riverland Sustainable Futures Fund was established to help support the implementation of opportunities identified by the Riverland Regional Prospectus by facilitating

projects that improve infrastructure, support industry attraction and help grow existing businesses. The fund is available to assist with industry restructuring and to promote sustainable economic and social development. Grants are available for up to 50 per cent of eligible project costs. The fund is available over four years.

AUSTRALIAN CENTRE FOR SOCIAL INNOVATION

The Hon. D.G.E. HOOD (14:49): I seek leave to make a brief explanation before asking the Minister for Communities and Social Inclusion a question about the Australian Centre for Social Innovation.

Leave granted.

The Hon. D.G.E. HOOD: I have recently become aware that South Australian taxpayers are funding the Australian Centre for Social Innovation based here in Adelaide. According to the best estimates in the budget papers that I am able to acquire, it comes under the Thinkers in Residence program which costs in total for that area a bit under $7 million per annum—not that this particular part of it costs $7 million per annum. I do not know what this costs, and I will be asking the minister shortly how much that is.

In investigating this organisation, I found a number of very interesting things which I think the minister would be interested in as well. The first thing is the organisation describes itself on its website as follows: 'We are a social innovation laboratory which creates tests and incubates ideas.' As I said, the cost is listed somewhere in the several millions of dollars.

As I was exploring about this organisation, one of the entries on their website from a blog of one of the participants in the projects that this organisation runs said: 'So far as a radical redesigner, I have had to prototype a sandwich, make a best practice cocktail, rapidly prototype a bag for a friend at a codesign camp, formulate ridiculous plans to recruit carers (one of which included a bear suit), analyse something, craft an argument, talk to people on busy streets in suburban Adelaide, and the list continues.'

Another entry goes on to say, 'We have travelled from learning what the heck this project is all about.' Furthermore, the organisation is not able to keep its website up to date, it seems, because up until a week ago it listed its next event as occurring in December 2011—its next event. My questions are:

1. What on earth does this organisation actually do?

2. What is the exact cost to South Australian taxpayers?

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 his most intriguing question. I have to say that I will take that question on notice and bring back a response for him.

AUGUSTA ZADOW SCHOLARSHIPS

The Hon. J.M. GAZZOLA (14:52): My question is to the Minister for Industrial Relations. Minister, will you advise the council about the important and impressive Augusta Zadow scholarship program?

The Hon. R.P. WORTLEY (Minister for Industrial Relations, Minister for State/Local Government Relations) (14:52): I thank the honourable member for his very important question and acknowledge his many years of tireless work for the trade union movement in defence of the working people of this state. The South Australian government is a strong advocator for women's participation in the workforce, and ensuring they are safe at work is a key factor in this. For this reason, it gives me great pleasure to inform the house that applications for the next round of the Augusta Zadow Scholarships opened on 8 March 2012.

SafeWork SA funds two scholarships for research or projects aimed at improving the health and safety of South Australian women in the workplace. Each scholarship is up to the value of $10,000. The annual Augusta Zadow Scholarships were initiated in 2005 and are named in honour of Augusta Zadow. In 1895, Augusta Zadow became the first female Inspector of Factories in South Australia. She played a crucial role in securing better conditions for factory workers, particularly women and children. Many of the working conditions we now take for granted are due to the efforts of Augusta Zadow.

Previous recipients of these scholarships play an important role in identifying and exploring options to improve health and safety for women in the workforce. Manual handling, menopause, sexual harassment, aggressive clients and exposure to hazardous substances during pregnancy are some of the issues that have been and are being examined by researchers using funding from the Augusta Zadow Scholarships. All of these projects assist women in South Australia in a meaningful and tangible way.

In 2011, Kathryn McEwen from Kathryn McEwen Psychology at Work, in collaboration with the Child and Family Health Services, was awarded a $10,000 scholarship to undertake a research project to build resilience at an individual and collective level for staff. The project aims to find ways to help staff manage their everyday stress and to recover from some of the inevitable setbacks they face in their complex and demanding work.

Sharyn Gaskin, from the Occupational and Environmental Health Laboratory at the University of Adelaide, was also awarded a scholarship in 2011. Sharyn received $9,150 to undertake research to better understand the influence of cosmetics on the skin absorption of chemicals amongst female workers. The project will lead to better guidance on the health effects that wearing cosmetics may have on workers who handle chemicals such as cleaning agents. It will provide new knowledge addressing female susceptibility to chemicals in the workplace and the potential role of products worn on the skin.

These projects are examples of work undertaken by last year's scholarship recipients. I have no doubt that their efforts will make a huge difference to the health and safety of working women in South Australia. I encourage anyone with a proposal for occupational health and safety improvements undertaken by, or for the benefit of, women in South Australia to apply. Proposals must be submitted by 5pm on Monday 27 August 2012. Selection criteria and other details can be found on the SafeWork SA website.

WRONGFUL CONVICTIONS

The Hon. A. BRESSINGTON (14:56): I seek leave to make a brief explanation before asking the minister representing the Attorney-General questions about prevention of wrongful convictions.

Leave granted.

The Hon. A. BRESSINGTON: Yesterday, I returned from Perth, where I attended the first ever International Justice Conference organised by JusticeWA, a relatively new non-political, non-government organisation dedicated to the correction and prevention of miscarriages of justice.

The International Justice Conference was well attended, with delegates and speakers attending from around Australia, New Zealand, America, Great Britain and Canada, amongst other places, including prominent exonerees such as Ms Lindy Chamberlain-Creighton, Mr Rubin 'Hurricane' Carter, Mr Chris Ochoa, Mr David Bain, Mr Graham Stafford, Mr John Button, Mr Andrew Mallard, and the most recent to have his conviction overturned, Mr Gordon Wood.

Delegates and speakers alike heard of harrowing tales of how our justice system failed exonerees and their supporters. From their stories and the opinions of forensic professionals who also spoke, key themes and causes of wrongful convictions became evident. These included the use of flawed, be it deliberate or otherwise, forensic science (known as junk science); investigating police officers identifying a key suspect to the exclusion of others and often exculpatory evidence, referred to as 'investigative tunnel vision'; media pressure for a conviction; inadequate defence representation; and almost universally the failure of the prosecution to fully disclose all evidence, including in many cases plainly exculpatory evidence.

Their stories also revealed why for many it took years, if not decades, to have their convictions set aside: the refusal by the police, the prosecution, forensic experts and the respective attorneys-general to admit that they got it wrong. On the final day of the conference, delegates heard from a panel of speakers, including prominent exonerees, defence barristers, academics and myself, who collectively called for the establishment of a criminal cases review commission. My questions are:

1. When were the rules of disclosure by the police and the Director of Public Prosecutions last reviewed?

2. Given that evidence withheld from the defence was identified at this conference as a key cause of wrongful convictions, will the Attorney-General undertake a review of the rules of disclosure to ensure that the state is not withholding evidence of the accused's innocence?

3. Given the number of wrongful convictions identified from around Australia and other places, and lessons learnt at that International Justice Conference as to their causes, does the Attorney-General concede that wrongful convictions must have occurred in South Australia, or is the Attorney-General of the belief, like his predecessor seemed to be, that South Australia is the only jurisdiction in the entire Western world that does not have wrongful convictions?

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) (14:59): I thank the honourable member for her important questions. I will refer those questions to the Attorney-General in another place and bring back a response.

PARLIAMENTARY REMUNERATION

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) (14:59): I table a copy of a ministerial statement relating to state parliamentarians' pay made by the Hon. Jack Snelling in another place.

QUESTION TIME

GRAIN INDUSTRY FUND

The Hon. J.S.L. DAWKINS (14:59): My question is directed to the Minister for Agriculture, Food and Fisheries. Will the minister indicate the amount of money remaining in the levy which, until 29 February this year, operated under the Wheat Marketing Act 1989? Will the minister also indicate how the funds gained through that levy, as distinct from the new Grain Industry PIF scheme, will be expended?

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) (15:00): I cannot see the exact figure here. It is on the public record, though; I know I have used it doing TV and radio. There are two lots of funds outstanding in relation to the grain industry fund. There are funds that the SAFF board has collected through its grains committee before it was abandoned that were unspent, and I have forgotten the amount; I think it is in the hundreds of thousands. It is not a huge amount, but it is in that vicinity.

Once they had abandoned their grains committee, they then constitutionally did not have the capacity to spend those funds, so there are those funds that have accrued that were not able to be spent, and there were funds that I took over when the grains committee was abandoned by SAFF. The funds are collected by me, and legislation requires that I pass on those funds to SAFF's grains committee.

In the interests of the industry, when there was no constitutional body to which I could hand over those funds, I maintained those funds but have no legislative capacity to spend those funds, because they can only be spent through handing them over to SAFF. So, I have accrued funds and have absolutely assured the industry that with any funds I have accrued we will develop a mechanism that ensures they are spent in the interests of the industry.

I have asked SAFF and the growers group to come together and work out a position in terms of how they see those funds best being spent to serve the industry, and they were unable to do that. They were unable to meet and devise a project they could mutually agree on in terms of how to spend those unspent funds in the best interests of the industry. That is a pretty tragic indictment.

So we have had to go away and try to put forward other positions to resolve this. I am committed to ensuring that those funds, as legally required, are spent in the best interests of the industry, and I will certainly do everything in my powers to resolve this conflict within the industry and to ensure that those unspent moneys go into the industry in a constructive way, because we know that our grains industry is very important to South Australia. It is a very large industry and contributes significantly to the economics of this state.

It is a very significant economic contributor, and there are many worthy projects that these funds could be spent on in terms of assisting to develop new markets or even around R&D. The

moneys can be spent in a wide range of ways as long as they are in the interests of the industry. I could not believe that these two groups could not get together and resolve this, so we are still working with SAFF to get an agreement in terms of how we can move on and inject those funds into the industry.

GRAIN INDUSTRY FUND

The Hon. J.S.L. DAWKINS (15:04): By way of supplementary question, will the minister come back to the council with the exact amounts held at 29 February 2012 in both facets of the levy?

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) (15:05): Sorry; I don't have the figures with me. The amount that I have is in the vicinity of a couple of hundred thousand. I do not have the details with me, but I am happy to find out those amounts and bring back a response.

COMMUNITY VOICES

The Hon. G.A. KANDELAARS (15:05): My question is to the Minister for Communities and Social Inclusion. Will the minister inform us how the Community Voices program is helping community organisations to promote their service and recruit volunteers?

The Hon. I.K. HUNTER (Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (15:05): I would like to thank the honourable member for his penetrating question, as always. The Community Voices program is a wonderful partnership between the Office for Volunteers and the Department of Screen and Media Studies at Flinders University—a fantastic university, and I might go so far as to say it is one of the greatest universities in Australia; not that I have any particular bias towards Flinders University, but it does have a wonderful biomedical research program.

The Hon. G.E. Gago: Where did you study?

The Hon. I.K. HUNTER: Strangely enough, Flinders University—indeed. The program has students working with volunteer organisations to create documentaries and community service announcements—things that used to be called television commercials but these days can reach a much wider audience by doing something called 'going viral' on YouTube—but, as community organisations insist, the Community Voices program also provides for the purchase of airtime at a reduced rate so that the community organisations are able to run their commercials on the old-fashioned telly.

The aim of the program is to assist community organisations to promote and market their activities and create opportunities to increase volunteer participation. Successful applicants to the program are assigned Flinders University Screen Studies students to work closely with them to develop and produce concepts and materials that promote their organisations. This is a unique and positive initiative that demonstrates how government, education and community sectors can work so well together.

The successful applicants for this year's program support a range of needs by delivering services in the disability, youth, welfare, training and education sectors. Some of the successful community organisations for this year's grants include the Muscular Dystrophy Association of South Australia, Riding for the Disabled Association of South Australia, Blue Light SA Inc. and Prison Fellowship Australia.

Prison Fellowship Australia is an organisation that assists prisoners to reintegrate into the community upon release. It aims to create a television commercial that will promote the organisation and recruit volunteer mentors to engage with vulnerable youth who are at risk of offending or reoffending.

Another example of the Community Voices program is Blue Light SA Inc. Supported by SA Police, it provides entertainment for young people in a drug and alcohol-free environment. Blue Light SA is hopeful that a television commercial promoting the organisation and the programs that it runs will help to recruit volunteers to that organisation. I congratulate this year's awardees and encourage honourable members to publicise this program to community organisations they work with in their role as members of this house.

FREE-RANGE EGGS

The Hon. T.A. FRANKS (15:07): I seek leave to make a brief explanation before asking the Minister for Agriculture, Food and Fisheries a question about free-range eggs.

Leave granted.

The Hon. T.A. FRANKS: I refer the minister to the recent media reports regarding the ACCC taking action in the Federal Court against a South Australian egg supplier. The action alleges that eggs being sold to customers in South Australia as 'free-range eggs' were in fact cage eggs, alleging that such conduct contravenes section 55 of the Trade Practices Act 1974, now known as the Competition and Consumer Act 2010.

Whilst I commend the ACCC on taking this action to ensure that consumers who are making an ethical purchasing decision in response to the well documented suffering and misery endured by caged hens by purchasing eggs labelled as 'free-range' are not misled or defrauded, I wish to now raise several issues with the minister in the form of the following questions:

1. Is the minister aware of differing definitions as to what constitutes free-range stocking densities from the RSPCA's definition of 1,500 birds per hectare to the Australian Egg Corporation Limited's 2010 decision that saw a stocking density definition of free-range increase by a massive 1,233 per cent from 1,500 to 20,000 birds per hectare?

2. Is the minister concerned that, in the absence of a universally accepted and enforceable definition of 'free-range', the birds that lay the eggs that are labelled free-range under the Egg Corporation's quality assured scheme may live in appalling conditions?

3. Is the minister aware that such conditions for caged birds may include beak and toe trimming, induced malting and extremely cramped living conditions leading to de-feathering, high mortality rates and stress levels and, ultimately, cannibalism?

4. Can the minister advise whether the government supports establishing an enforceable regulatory scheme here in South Australia for the labelling of free-range eggs to provide certainty for consumers and egg producers, and stop the fraudulent rip-offs?

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) (15:10): I thank the member for her most important question. Indeed the issue of food labelling—or produce labelling—is a very vexed one, and I certainly share some of the degree of frustration that the Hon. Tammy Franks obviously shows in her question. The issue of egg labelling is one that really needs to be dealt with in a nationally consistent way because of the way eggs move across borders. It is important that we do not add to the confusion by having different sets of standards around the states; we should be moving towards the setting of a uniform standard.

It is not just eggs that are the problem. The honourable member would be well aware of the issues and vexations around 'country of origin' labelling. How much of the produce is covered? Is it the contents, is it where it is packaged, is it where it is packaged by where the packaging comes from? There are all these really complex dynamics around labelling. It is the same with free range: what is free range? The honourable member quite rightly points to many different definitions around what might constitute free range.

The problem is that we have not been able to get the parties—the industries, welfare bodies and other key stakeholders—to be able to land on what is a reasonable assessment. What we are trying to do all the time is to ensure, first, that products are safe and don't produce any sickness or contamination, so that it is good quality, healthy food and, secondly, that there is consistency around the labelling and that we do that in a way that informs consumers so that they can make purchase decisions in an informed way, but without creating a regulatory, red-tape, paperwork framework that becomes so cumbersome and unwieldy that it unduly impacts on the price of the commodity that then means that people are having less access to good, healthy, nutritious food.

So, as I said, these are vexed issues; there are many definitions around, and a great deal of work is being done to try to bring the industry to land on this. As I said, it is not just with eggs and the issue around free range, but also things like 'clean green'. There are just so many food terms out there that are not clearly designed, and it would be helpful if we could find a common acceptable definition that would assist consumers to make much more informed decisions.

I am happy to continue work on this; I am happy to continue with the Hon. Tammy Franks to find ways forward where we can unite the different interest groups to land on this. I am certainly very committed to pursuing a national approach, not just a state approach, because I think that just puts another layer of confusion into the system. As I said, I would certainly invite the Hon. Tammy Franks to work constructively with me—or me with her—to help progress this fairly vexed area of policy.

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

FREE-RANGE EGGS

The Hon. T.A. FRANKS (15:14): Arising from the answer: does the minister have concerns that, say, if another state was to go ahead with an increased animal welfare consideration with their definition of free-range eggs, consumers might actually choose to buy that state's eggs, rather than South Australian free-range eggs?

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) (15:14): Consumers, indeed, do vote with their feet, or their pockets, and I think that would be a very compelling market dynamic that would help shift the South Australian industry and cause them to rethink about where they should position themselves in the market. They are the very pressures that I think are the most important to come into play. I can absolutely reassure the honourable member that we would see changes to our standards overnight if that were the case.

ROCK LOBSTER FISHERY

The Hon. T.J. STEPHENS (15:15): I seek leave to make a brief explanation before asking the Minister for Agriculture, Food and Fisheries questions about government distributed size guides for rock lobster.

Leave granted.

The Hon. T.J. STEPHENS: Recently, I was alerted to a concerning situation involving a constituent who was prosecuted for having undersized rock lobsters in his catch. The constituent used the government sanctioned measurement guide, distributed by PIRSA, and the catch was from Robe, which is part of the Rock Lobster (Southern Zone) Fishery in South Australia.

Despite pleading his case to the fisheries officer, he was prosecuted, anyway. The officer reminded the fisherman that it was only the officer's official measurement, using his own instrument, which counted in terms of the law. If this is indeed the case, my questions to the minister are:

1. Why are these guides being distributed to recreational fishers if they are useless and not beneficial to them?

2. How much taxpayer money is being spent on the production and distribution of these measuring guides?

3. Why are the guides not consistent with the official instruments used by fisheries officers?

4. Given that in this case the constituent had no intention of breaking the law and catching undersized lobsters, can the minister confirm that in the future those who use government guides will have protection under the law and, if not, will the minister ensure that no more money is wasted on these useless pieces of plastic?

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 am happy to take those questions on notice and bring back a response. I am not aware that there are problems with the guides. I do not necessarily accept the proposition that the honourable member is putting to me in this place, but I am happy to go away and check it and see if there is a problem. I do not necessarily accept that there is. As I said, it has certainly not been brought to my attention previously, that I can recall.

As I said, I do not accept his proposition at all. We know that members of the opposition come into this place time and again and make up things. They just make up things as they go along, often with nothing to substantiate their allegations. Nevertheless, I will give the member at least enough of a benefit of the doubt to check the veracity of some of his allegations.

PAID PARENTAL LEAVE

The Hon. J.M. GAZZOLA (15:18): I seek leave to make a brief explanation before asking the Minister for the Status of Women a question about the Good Transitions website.

Leave granted.

The Hon. J.M. GAZZOLA: Australia's first national paid parental leave scheme started on 1 January 2011. This excellent initiative of the Gillard government is already making a difference to the lives of many.

An honourable member interjecting:

The Hon. J.M. GAZZOLA: I know you're not interested.

The Hon. J.M.A. Lensink: It's not as generous as Tony Abbott's.

The Hon. J.M. GAZZOLA: I know you're not interested.

The Hon. J.M.A. Lensink: I am interested.

The Hon. J.M. GAZZOLA: No, you're not.

The Hon. J.M.A. Lensink: What are you waiting for?

The Hon. J.M. GAZZOLA: I am just waiting for the President, unlike your rudeness. Sir, will the minister tell the council where people in South Australia can find more information about the parental leave scheme?

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) (15:19): We should be very proud of our federal government. Its paid parental leave scheme is, as the member said, making a real difference to working parents and is an economically responsible scheme. As members might recall, the relevant legislation was passed by the commonwealth parliament on 17 June 2010. The parental leave scheme provides leave for a total of 18 weeks, which can be shared by eligible parents after the birth or adoption of their child. For many low income, casual and part-time workers, contractors and the self-employed, the Gillard government scheme is providing financial security that they have never had before.

I understand that half of all mothers who have claimed the government funded paid parental leave had incomes of less than $43,000 in the year before their baby was born or adopted. This shows that paid parental leave is particularly important for women on lower incomes, many of whom do not have access to paid parental leave through their employer.

I am advised that the Productivity Commission found that women on lower incomes, particularly those in casual jobs (for example, the retail and hospitality sectors) have had the lowest levels of access to employer provided paid parental leave, so it is wonderful that the government scheme is now available to them.

I was delighted to be informed that the employers have also embraced this scheme which, of course, helps them retain valuable skilled and experienced staff without having to fund the parental leave themselves. I understand that over the past year more than 22,000 employers have registered to provide the government funded parental leave pay to their eligible employees.

I can also inform members that the Office for Women has created a web resource entitled Good Transitions to support line managers to successfully maintain engagement with employees before, during and after parental leave. The site focuses on parental leave in the South Australian Public Service but has applications for managers supporting employees taking any type of long leave in all industries.

The purpose of Good Transitions is to shift some of the responsibility for the implementation of parental leave from individuals to employers and to help to achieve some cultural change so that taking leave for caring reasons comes to be considered a normal part of working life for both men and women.

The site is based on research of international best practice. It is a hub of information which links to other relevant parties and practical tools, such as how to arrange keeping in touch provisions while they are on leave, reducing barriers for breastfeeding employees, and checklists for employers, employees and human resource practitioners who assist with things such as making workplaces more family friendly.

The draft Good Transitions site has been reviewed by, and operates feedback from, representatives across government, including the work/life balance unit. There is a public sector interest group, the Office for Ethical Standards and Professional Integrity and also the Equal Opportunity Commission.

TRADING HOURS

The Hon. R.L. BROKENSHIRE (15:23): I seek leave to make a brief explanation before asking the Minister for Industrial Relations a question regarding Good Friday shop trading.

Leave granted.

The Hon. R.L. BROKENSHIRE: Two weeks ago I publicly raised a constituent's concern that the Tourism Commission was working with the Holdfast Bay council to pressure Glenelg traders to open for business when the *Dawn Princess* cruise ship docks at Outer Harbour on Good Friday. On this issue, Anglican Archbishop Jeffrey Driver said that afternoon:

> I think that the traders who have concerns reflect the fact that Australia is still a country with a lot of people in it who take Good Friday seriously.

SDA union chief Peter Malinauskas said on Thursday two weeks ago that it was the union's very firm position that Good Friday, Christmas Day and the half day of ANZAC Day were 'sacrosanct'. On radio the minister explained that he had no control over the exemption for shops under 200 square metres—which we accept is the case—and, given the Tourism Commission's actions, the minister was challenged as to whether it was government policy to compel shops to open on Good Friday. The minister said—and I am paraphrasing—that he had a problem with the proposal, he would make a few phone calls, and that shops should not be intimidated into opening on Good Friday. My questions to the minister are:

1. Can the minister update the council on his actions in relation to the issue?

2. In relation to shops over the 200 square metre limit, will his government commit to keeping Good Friday, Christmas Day and the ANZAC Day morning free from trading?

The Hon. R.P. WORTLEY (Minister for Industrial Relations, Minister for State/Local Government Relations) (15:25): I thank the honourable member for his question. There are a number of issues. The member has already accurately stated that shops under 200 square metres do not come under the Shop Trading Hours Act. We do not have any controls or any ability to influence shops who wish or do not wish to open on Good Friday. It is the government's intention, under the bill before parliament now, to make sure that there is no trading on public holidays regarding Christmas Day and Good Friday, and it is committed to that. It is not this government's role, or my role, to stop discussions with various shopkeepers at Glenelg about whether they were asked by the council to open or not. It is not my role—

The Hon. R.L. Brokenshire interjecting:

The Hon. R.P. WORTLEY: The Tourism Commission. I, personally, do not support public trading on Good Friday. This government's policy is that there is no trading on Good Friday. All I can say, in answer to your question, is that if the Tourism Commission (or whoever) had asked—there was no pressure put on. You cannot stop someone from asking or writing a letter stating, 'Are you prepared to open up to allow a couple thousand people from a tourist ship to come down to do some shopping?' All I can say is that I do not support it as minister, and the legislation does not support it, but we cannot get in the way of discussions between various parties revolving around that issue.

ANSWERS TO QUESTIONS

PROPERTY IDENTIFICATION CODES

In reply to the **Hon. J.S.L. DAWKINS** (8 November 2011) (First Session).

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): I am advised:

1. The information requested on the budget forecast impact from the introduction of a property identification code (PIC) and the proposed animal health biosecurity fee is contained in the public consultation paper available on the Primary Industries and Regions SA (PIRSA) web site.

2. The anticipated cost of policing the introduction of the PIC was built into the cost of the PIC system, which was discussed with industry.

The budgeted cost for compliance, which includes a communication campaign, was $120,000 per annum.

PROPERTY IDENTIFICATION CODES

In reply to the **Hon. R.L. BROKENSHIRE** (8 November 2011) (First Session).

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):

1. $3 million has not been put into the cost of the PIC or the National Livestock Identification System (NLIS) fees to offset the amount of money that was proposed under the animal health biosecurity fee and with all the public information available, I can only conclude that the Honourable member has not bothered to investigate this issue.

DISABLED CHILDREN

In reply to the **Hon. K.L. VINCENT** (23 February 2011).

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): The Minister for Education and Child Development has been advised:

1. Social workers taking calls at the Child Abuse Report Line are required to collect an extensive range of information when receiving a notification.

This includes information about the needs, strengths and vulnerabilities of the family, children and parents. The checklist to guide staff in this regard includes a prompt to consider and record issues relating to physical or intellectual disability.

2. When notifiers provide advice that a child has a disability, this information has previously been recorded in a free text section of the Client Information System. Therefore it has not been possible to aggregate and report on this information. The new Client Case Management system currently being rolled out in Families SA, Department for Education and Child Development has been built to collect information about disabilities in a way that the department will be able to aggregate and report on information in future years.

3. & 4. With regard to calculating the percentage of notifications involving children with disabilities resulting in criminal charges being laid; the decision about whether there is sufficient evidence to launch a prosecution is a matter for the police and the Director of Public Prosecutions. Whilst the Department does not routinely collect this information, the department is aware that only a small number of cases of confirmed child abuse or neglect, regardless of the disability status of the child progress to a prosecution.

ADDRESS IN REPLY

Adjourned debate on motion for adoption.

(Continued from 1 March 2013.)

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) (15:27): I would firstly like to thank and acknowledge the contributions of members to the address in reply. My first and most important task is to acknowledge the contribution of His Excellency the Governor Rear Admiral Kevin Scarce and his wife, Liz Scarce. His Excellency continues to bring to his duties as Governor both an appropriate dignity and warm humanity. It is gratifying to hear that he has agreed to stay on as Governor of South Australia for a further two years. Liz Scarce's hard work and commitment to many community organisations and groups should also not go unmentioned, she makes a very valuable contribution in her own right. Both the Governor and his wife together do a remarkable job for the people of this state.

My congratulations go to the newly elected members in the other place: Dr Susan Close, member for Port Adelaide, and Ms Zoe Bettison, member for Ramsay. I anticipate that these two young women will make an invaluable contribution to this parliament and their electorates. Their election takes the number of Labor women in both chambers to a total of 13, which means that we have between two and three times the number of women the Liberal Party chooses to select for

winnable positions. Numbers such as these show up the very stark differences between paying lip service to equity, balance and fairness, which the Liberal opposition does, and actually doing something about it, as the Weatherill Labor government has.

In his speech, the Governor outlined how the government would bring a structured approach to its seven primary areas of focus for action. In a world full of extraordinary fluctuating variables—in currency exchange rates, overseas conflict and turmoil, technological change and the unknown impact of climate change—we are blessed, in South Australia, with a number of opportunities and advantages. South Australia is a great place to live and work and do business. It is perfectly sized and the city centre is in easy reach of everything.

Adelaide is a place where you can have both a career and a family life. Our stunning beaches are just a short drive from the city centre. You do not have to go far to experience the wonders of our regions and what they have to offer, including the unique and spectacular views of the Flinders Ranges and the beauty of KI and our world heritage listed caves at Naracoorte on the Limestone Coast. To top this off, we are the wine and seafood capital of Australia.

The PRESIDENT: And the world's best winemaker.

The Hon. G.E. GAGO: Yes, Mr President—and the world's best winemaker. There are also plenty of festivals and events to keep you busy on the weekends such as the Adelaide Festival of Arts, Adelaide Fringe, the Cabaret Festival, Sea and Vines, International Guitar Festival, OzAsia, WOMAD, and let's not forget that we are the host to a number of major sporting events such as the Santos Tour Down Under and Clipsal 500.

South Australia offers an exceptional blend of produce, people and places. This state has a wonderful mix of cultures and influences that bring positive inspiration to our community and offers us a great range of skills and knowledge. We have worked very hard and will continue to do so to ensure that we maintain our high level of understanding and appreciation of the benefits and richness that cultural diversity brings.

Our duty, as the government of South Australia, is to make strategic decisions which will assure present and future citizens of this state a flourishing future. Importantly, we must do so in a way so as to share this prosperity broadly while concentrating our resources in such a way as to maximise growth and opportunity. This approach takes discipline. It takes a certain lightness and deftness of touch; it takes experience, thoughtful insight and, lastly, it takes very hard work and the courage to make very hard decisions when needed. Anything less would not be honouring those who have worked so hard in the past to create the social and physical infrastructure in the institutions of this state. Without them, our efforts would amount to very little.

The opposition has claimed that the government has shied away from its past and only focussed on the future. Let me take this opportunity to remind those opposite about what Labor has achieved. Since 2002, new jobs in South Australia have grown by over 129,000, despite a weak global economy in recent times. Under Labor health funding has increased each year. Compared with a decade ago, we have an additional 200 hospital beds with some 250 more on the way and reduced waiting times in emergency rooms and for elective surgery.

South Australia has the highest gross state product growth in the country in per capita terms, with a 1.5 per cent increase versus the national average of 0.6 per cent. This is 32.4 per cent higher than in 2000. Labor has delivered massive infrastructure and transport investment which will continue to boost the construction sector. There is also $109 billion worth of major developments underway or in the pipeline for South Australia. Of the $109 billion, 60 per cent of this amount has gone into the regions. Sixty per cent of $109 billion is committed to our regions. Some projects (large and small) that the government has committed to in regional areas are:

- refurbishment of the Port Bonython jetty;
- the Riverland Sustainable Futures Fund;
- the Plan for Accelerated Mining Exploration;
- a desal plant in Hawker;
- regional health services in Whyalla, Ceduna and Berri;
- more rural road safety programs;
- upgrades and new facilities at regional government schools;

- modernising and improving school bus services across SA; and
- the Enterprise Zone Fund for the Upper Spencer Gulf and outback.

The list goes on. It will be money wisely spent because a great deal of South Australia's future hangs on how we develop our regions. Our mining industries and the potential for renewable energy are key positives for South Australia, and most of that activity will take place in regional South Australia.

If we contrast this to June 2000, ABS figures showed that unemployment was at 8.2 per cent and had been increasing since 1998. A decade ago there were no new hospital beds, no cuts to waiting lists and no relief for emergency departments. There was also a lack of investment in road, rail and port infrastructure.

There is no denying that recently global economic conditions have impacted on consumer and business confidence, and the South Australian economy has experienced variable conditions. The mining, agriculture and export sectors have continued to grow whilst other sectors such as retail and the property market remain weak due to households reining in their spending and borrowing to deal with the cost of living pressures and the increased volatility in the global financial markets.

Labor has positioned the state well for the future, as we all look forward to the government's seven primary areas of focus, summarised as a clean, green food industry; mining developments (boom) and their benefits; advanced manufacturing; a vibrant city; safe and active neighbourhoods; affordable living; and early childhood.

Our food industries have been an impressive component of our state's economy for many years, and they are all the more impressive for the fact that so much of South Australia is arid and subject to fluctuating climate. Under such circumstances, our food industries have built an enterprising culture of resilient innovation. We have built on—and will continue to build on—a reputation for high-quality 'clean and green' produce through growing our resource management practices, research and development capabilities, and agricultural entrepreneurship.

Our mining industries are continuing to expand into a colossal enterprise that will change South Australia on a scale which is still not completely grasped by many South Australians. It is the government's strong determination that these resources belong to all South Australians, and it is with this in mind that the government is establishing a bipartisan committee to explore the potential for a future fund to take those benefits past the short and medium term. In the meantime, we need to build a framework to establish strong regional partnerships that will build local education and skills training services and the supply chains needed for large-scale industrial and mining activities in our regions.

Regional South Australia stands to change greatly in the coming years. Manufacturing must also be kept as a strong priority for South Australia, having played a critical central role in this state for many decades. Having a mixed economy is a prudent long-term strategy and, even though the opening up of the global economy presents great challenges, an active, modern manufacturing sector is vital for us to keep abreast of high-skill, high-value industries.

Our significant role in the nation's defence industries, including the construction of the air warfare destroyers and elements of the Joint Strike Fighter project are dependent on the retention and expansion of our advanced manufacturing industries, along with a highly-skilled, trained and educated workforce. We must also retain and attract people to live and work in our state and, to that end, making Adelaide a striking and enjoyable city is one of the seven key priorities.

Although Adelaide is smaller than Sydney, Melbourne or Brisbane, the quality of lifestyle and education is still great, and it is a cheaper city to live in. Statistics show that it costs more to live in Sydney, Melbourne, Perth and Brisbane. As we all know, Adelaide is already a good place to live, and others apparently agree. We were listed in the top 10 of *The Economist*'s world's most liveable cities index in 2010 and ranked the most liveable city in Australia by the Property Council of Australia in 2011.

But we can always do better and, for this reason, the Riverbank-Adelaide Oval-RAH project is only a part of a greater city-wide vision we have. Recently, I had the great pleasure to open the first of the developments in the Riverbank precinct, Regattas Bistro and the Panorama Suite Complex. While the opening was for only a fraction of the larger project, it points to the fact that we are now starting to see the grand dreams of our planners, designers and builders springing into real life—real bricks and mortar.

What an exhilarating experience it will be to see those elements falling into place over the next number of years. I need only remind members of the towering cranes a few hundred metres to the west, where the most advanced health precinct in Australia is emerging: the new RAH and the South Australian Health and Medical Research Institute.

It is not just the city that will be the beneficiary of this long-term planning. Creating safe and healthy neighbourhoods will enable the state's citizens to lead more secure and fulfilling lives. Our neighbourhoods could be so much more; they could also allow us to live in places which are not just dormitory suburbs but places in which people feel they are involved and acknowledged.

We need to keep housing as affordable as possible. South Australia has a long and honoured history in creating a housing sector that allows the public and private sectors to work together. Importantly, opportunities now exist to create housing that is energy efficient, water-wise and makes good use of public transport.

Lastly, the government is placing a strong emphasis on lifting the quality of life for our children. We aim to change the way all sectors in the community can integrate policies, planning and support for children's development. Getting childhood development right will shape the wellbeing and outlook of our future citizens and, consequently, the capacity of the future of this state. The seven-point approach outlined in the Governor's speech was not only comprehensive but does illustrate the point that we have taken on the challenge of managing a complex interlocking economy. To do so requires a disciplined, structured approach.

Sadly in the opposition's Address in Reply it was difficult to ascertain any sign of a coherent, structured plan. In fact, the reply by the opposition leader in the house might better be described as a sort of 'meander in reply' rather than an 'address in reply', wandering from policy waterhole to waterhole, wallowing in the usual welter of complaints and predictable grievances.

There was simply no hint of a grand vision whatsoever from the opposition benches or any vision other than blinkered. Perhaps they are now so long from any experience of government that they have just become completely unplugged—or perhaps unhinged might be more accurate—from the reality and responsibility of the task of government. Consequently, it is easier to snipe at whatever passing issue strikes their fancy. I have a brief piece of advice for the opposition, and it is in the form of a quote from a poet, Maya Angelou: 'Nothing will work unless you do.'

In the meantime, I am very excited and invigorated by the challenges outlined in the Governor's speech, unlike the opposition with their glass half empty approach. I can see that South Australia's glass is already more than half full and filling fast under the guidance and direction of Premier Weatherill.

While there is no doubt that we are living in seriously challenging times, I know that my ministerial colleagues and I relish and enjoy those challenges, and to quote Louis Pasteur: 'Fortune favours the prepared mind.' The work of the past few years in government has prepared South Australia well to make the very best of the opportunities before us.

Motion carried.

The PRESIDENT: I advise honourable members that His Excellency the Governor is pleased to receive honourable members of the council at 3.30pm on Thursday 15 March 2012 for the purposes of presenting the Address in Reply.

LEGAL PRACTITIONERS (MISCELLANEOUS) AMENDMENT DRAFT 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) (15:43): I table a ministerial statement made today in another place by the Hon. John Rau on the Legal Practitioners (Miscellaneous) Amendment Bill 2012.

WINGFIELD WASTE DEPOT

The Hon. I.K. HUNTER (Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (15:43): I table a ministerial statement made today in another place by the Minister for Emergency Services on the waste fuel depot fire at Wingfield.

SUMMARY OFFENCES (WEAPONS) AMENDMENT BILL

Consideration in committee of the House of Assembly's message.

(Continued from 29 February 2012.)

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

That the council do not insist on its amendments.

As a result of the sheer number of amendments passed in this place this bill is quite different to the original bill that was introduced by the government. As advised in the other place, the government is not of the view that all of the amendments moved in this place will be dismissed out of hand. There is certainly room for negotiation on a number of amendments to the bill. However, given the extent of the amendments and the intricacies involved this is a matter that we believe is best dealt with in a manager's conference.

The Hon. S.G. WADE: I just wanted to clarify that: the minister's remarks seem to anticipate going to deadlock conference, as did the Attorney in the other place, but I understood that she was moving that we not insist on amendments, which I would have thought meant that—

The CHAIR: No; that is the way the minister would do it.

The Hon. S.G. WADE: All right. We look forward to the deadlock conference that both the Attorney and the Leader of the Government have anticipated.

The committee divided on the motion:

AYES (8)

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

NOES (10)

Bressington, A.	Darley, J.A.	Dawkins, J.S.L.
Franks, T.A.	Lee, J.S.	Lensink, J.M.A.
Parnell, M.	Ridgway, D.W.	Stephens, T.J.
Wade, S.G. (teller)		

PAIRS (2)

Zollo, C.	Lucas, R.I.

Majority of 2 for the noes.

Motion thus negatived.

WATER INDUSTRY BILL

In committee.

(Continued from 29 February 2012.)

Clause 35.

The Hon. R.L. BROKENSHIRE: I move:

Page 25, lines 26 to 38, page 26, lines 1 to 13—Delete subclauses (3) to (8) (inclusive) and substitute:

(3) In addition to the requirements of section 25(4) of the *Essential Services Commission Act 2002*, the Commission must adopt the terms of any price determined by the panel under section 35A.

The purpose of the amendment is, firstly, to remove the pricing order power of the Treasurer; however, the control we keep in place, as well as the postage stamp pricing principle that we and the Liberals, as I understand, are interested in continuing is in relation to our primary producer pricing panel model that will be the subject of a later amendment. In a sense, this is a test clause on that issue.

Also, I advise colleagues that if I lose the vote here on the removal of pricing orders but have sympathy on the primary producer pricing panel concept, I will move amendment No. 2

standing in my name so we can retain the pricing orders but still keep the panel. This is a quirk of how legislation interacts with the issues being raised and was the best way we could see to debate it. Honourable members should be aware that, in moving this amendment, I debate two issues, which I will explain now.

First, it gives what I call true independent pricing power to ESCOSA. At the moment, as has been debated in the media, the Treasurer's writing a letter takes away the true independent pricing power of ESCOSA. We have seen that in the past with electricity. Secondly, it creates primary producer pricing via a panel as set out in proposed clause 35A, which members can see in my amendment No. 4.

The reason for the second part I will explain in more detail later but, if we are going to be serious about giving the Essential Services Commission true independent powers to price water, we should give them true independent powers without manipulation from the Treasurer, as we have seen on several occasions already with respect to electricity.

The Hon. I.K. HUNTER: This amendment relates to Brokenshire amendment No. 4, which he indicated will be a later amendment, in relation to a proposed new clause 35A regarding a special price for water supplied for primary production. The government's understanding of the effect of these proposals is that an industry panel will be set up to fix the price that should be charged for water provided to a primary producer by any water entity.

The government does not support the proposal. It is inconsistent with the purpose of the bill, which is to establish a properly independent economic regulation regime, one that already applies in relation to electricity and gas and operates according to the well-settled requirements of the Essential Services Commission Act 2002. The panel, whose five members include three industry representatives, is obviously not independent. Moreover, the proposed arrangements would govern the activities of any water industry entity and provide less transparency and less business certainty than an economic regulation regime under the Essential Services Commission Act 2002.

In practical terms, the honourable member's proposal is likely to have the effect of discouraging competition and the development of alternative sources of supply that the bill is designed to encourage. In this respect, a potential supplier of water to the primary production sector is likely to think twice about their investment if they think a panel comprised largely of primary producers has the power to set their prices.

I contrast this to the proposals in the bill under which a new supplier of water will be subject to a light-handed price regulation, especially if they are a small entity without market power supplying to commercial customers. In addition, on the assumption that the outcome of this is a lower price for supply and usage for primary producers, this will simply mean that the cost of this subsidy will be borne by all other water users, including residential customers.

I might also respond to a question asked by the Hon. Mr Brokenshire: why would we impose this pricing order on the water industry? The pricing order provides the government with the power to manage the transition to independent economic regulation and to transparently record government policy that impacts on pricing, which may include inter-governmental agreements such as the National Water Initiative.

The bill explicitly states that the pricing order may set out any policy that ESCOSA must have regard to when making a determination and specify various parameters, principles or factors that ESCOSA must adopt or apply when making a pricing determination. This will ensure the government has adequate mechanisms available to deliver key policy objectives with respect to pricing in the water industry, for example, statewide pricing or avoidance of price shocks to consumers.

The Hon. M. PARNELL: I have a question of the mover, and this might seem a little bit pedantic. I have two amendments filed by the Hon. Rob Brokenshire, three minutes apart, affecting the same clause. Mr Chairman, you clarified that the amendment we are debating deletes subclause (3) to (8) inclusive. That is [Brokenshire-1] 1, but amendment [Brokenshire-2] 1 just deletes clause 3.

I just want to clarify exactly what it is we are debating. In moving his amendment, the honourable member talked about two issues: water for primary producers and postage stamp pricing. Whether that is the case depends on which of these amendments we are dealing with. I note that the set [Brokenshire-2] was filed three minutes after the set [Brokenshire-1].

The ACTING CHAIR (Hon. G.A. Kandelaars): I am told that if the bill is recommitted the Hon. Rob Brokenshire is proposing that second amendment.

The Hon. D.W. RIDGWAY: From my understanding, we are debating the amendment [Brokenshire-1] 1, which, as the Hon. Mark Parnell said, deletes subclauses (3) to (8) inclusive and inserts a new subclause. The opposition's understanding is that the effect of this amendment is to remove the ability of the Treasurer to issue a pricing order for ESCOSA with which ESCOSA is obliged to comply.

The opposition's view is that, notwithstanding the corporatised nature of SA Water, it is still cabinet and the government of the day which signs off on major infrastructure such as the desalination plants, new pipelines, dams, wastewater treatment plants, etc. Whether they are good or bad decisions, governments will feel the effect of those decisions at the ballot box. I suspect that, as a result of having a desalination plant twice the size of what was ever recommended by the experts to the opposition, and the government's failure to ever explain where it got its advice as to why it needed to be 100 gigalitres, that will impact water pricing.

It is the opposition's view that cabinet should maintain the ability to issue instructions to ESCOSA via a pricing order rather than make them totally independent. We believe the government should be held accountable. We understand what the Hon. Robert Brokenshire is trying to achieve, but, at the end of the day, if a government makes a decision to build, for example, a 100-gigalitre desalination plant and spend $2.4 billion on the project, it has to be funded from somewhere. Of course, if the two are disconnected there is no way that the government of the day can fund that particular project. If it is a reckless decision they should pay the price at the next election.

Amendment negatived.

The Hon. D.W. RIDGWAY: I move:

Page 26, after line 13—Insert:

(8a) In addition, in making a determination, the Commission must have regard to the principle that the prices charged to small customers for retail services should be at the same rates for all small customers regardless of their location in the State (and a pricing order must, if relevant, take this principle into account).

(8b) Subsection (8a) does not prevent the Commission setting different rates for different classes of services.

This amendment provides for the continuation of the postage stamp pricing by SA Water across South Australia. The amendment has been drawn from the Electricity Act. The reality is that, via the customer service obligation, SA Water has provided an affordable water supply to the vast majority of South Australian communities. The opposition seeks the continuation of that protection for isolated communities. We have seen the potential impact on communities in the north when the government has moved to remove electricity subsidies. If both power and water costs are not protected, towns such as Coober Pedy will soon disappear.

The Hon. I.K. HUNTER: The government opposes the Hon. Mr Ridgway's amendment No. 15. It is about statewide pricing. The opposition has made a number of statements about the need for greater independence for ESCOSA. However, the government welcomes the opposition's recognition in these amendments that there are indeed cases in which it is appropriate for ESCOSA, in the exercise of its powers, to be given authority to go beyond economic efficiency criteria in its own legislation. Statewide pricing may represent such a case; however, this amendment was seen to permanently require statewide pricing, notwithstanding any review by ESCOSA of the principles behind the pricing structures.

Under Water for Good, the government is committed to requesting ESCOSA to prepare a report on statewide pricing. This amendment constrains future governments by enshrining statewide pricing in legislation. This would unnecessarily inhibit any future consideration of more efficient or more appropriate pricing structures which may benefit consumers. Currently, the government has no intention of moving away from statewide pricing, as a policy setting it has maintained for almost 10 years. In considering such a policy change, the government would only do so on the basis of strong advice from ESCOSA and in the interests of South Australian consumers. We oppose the amendment.

The Hon. M. PARNELL: This is an interesting provision because in some ways it reflects what the government is already doing and what it has been doing for 10 years, that is, having a

policy of statewide pricing. The question for us is whether it makes sense to pre-empt the findings of the ESCOSA report and forever lock into legislation this concept. I accept what the minister said, that it is not the government's intention to move away from it, but there are some circumstances in which it is possible to envisage—however much we might like the levelling out between country and city, that that makes sense—that there are circumstances where it would not make sense.

I am familiar with one property developer who attempted (I think it was on the Yorke Peninsula) to get a development up. It was not able to be connected to SA Water's infrastructure and therefore, effectively, could not go ahead. This person's solution was going to be total self-sufficiency. He was going to have massive rainwater tanks, all sorts of things, but he still could not get this development approved. You can envisage a circumstance where there might be a development that is away from a current area, where a water provider is willing to come along and provide a service to a new community and might be able to do it cheaper than putting in big rainwater tanks for everyone, and yet it might be marginally more expensive than the postage stamp pricing that would apply through SA Water supplies.

The question would be: do we say no to that development simply because the postage stamp pricing would kill it, or do we allow for some flexibility so that a development might still be able to go ahead? It seems to me that we need to keep a little bit of flexibility. If I had any inclination that the government was about to immediately move away from postage stamp pricing then it would give me some concern, but the minister has given assurances in this place that that is not the government's intention, that there is to be a review of statewide pricing. I, for one, am happy to let that process take its course and to leave this bill silent on that point for now and we can revisit it if and when ESCOSA comes back with a different model. So, for now, I think the best thing for this legislation is to not support this amendment, and the Greens will not be supporting it.

The Hon. R.L. BROKENSHIRE: Given that this is the way procedures are, I will speak specifically to the Liberal amendment but then add to that that my amendment No. 2 is identical, except that it does not apply in relation to a price determined by the panel under section 35A. If that gets up then, obviously, we would need my additional amendment. On the principle of postage stamp pricing, that is a matter we do support. I have heard in this place regularly that the government is doing a review or, trust me, they will be in government forever, and so on and so forth. We hear that regularly. I think it is time we started to protect these smaller communities and enshrine it in law. Therefore, we will be supporting the Liberal amendment.

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

The Hon. A. BRESSINGTON: I will be supporting it.

The Hon. K.L. VINCENT: I will not be supporting it.

The committee divided on the amendment:

AYES (9)

Bressington, A.	Brokenshire, R.L.	Dawkins, J.S.L.
Hood, D.G.E.	Lee, J.S.	Lensink, J.M.A.
Lucas, R.I.	Ridgway, D.W. (teller)	Wade, S.G.

NOES (10)

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

PAIRS (2)

Stephens, T.J.	Zollo, C.

Majority of 1 for the noes.

Amendment thus negatived.

The Hon. M. PARNELL: My amendment is the proposed insertion of three new paragraphs, namely, (8a), (8b) and (8c). Paragraphs (8a) and (8b) are effectively consequential on an issue that was dealt with previously, so I will not move those, but I will move my proposed new paragraph (8c). I move my amendment in an amended form:

Page 26, after line 13—Insert:

(8c) In addition, in making a determination, the Commission must have regard to the principle that a price in the nature of a supply charge payable for the right to the provision of a retail service should take into account whether premises are actually connected to the relevant infrastructure.

I have explained this previously. Basically, what this amendment is about is that it recognises that there are some people who, I believe, are unfairly treated by having to pay the same supply charges for water and sewerage even though they do not use those services. The way in which the system works is that, if the pipes go past your property, you have to pay those access charges, even though you do not actually use the services.

Clause 35, which we are dealing with, is about pricing, and my amendment, in a nutshell, says that ESCOSA should take into account the fact that some people are not actually using any part of the service, and therefore it leaves the door open for ESCOSA to come up with a charging regime that recognises that fact. It does not guarantee that these people will be off the hook entirely, but it leaves it open to ESCOSA to make a judgement about whether they should pay a bit less because they are not connected to the service.

The reason people are not connected to the service is very often through altruistic motives, where they have sought to take personal responsibility for their own water and waste and often have invested vast sums of their own money in, for example, rainwater tanks, dry composting toilets or greywater recycling systems. There are all manner of services where they have taken responsibility for their water and their waste, yet they are still slugged because the pipes go past their property.

I understand the rationale for that regime: it has been to share the cost of the service over everyone who is able to connect, whether they do or they do not. I think that we should provide some small incentive to people who do the right thing in terms of self-sufficiency, and this simple amendment allows the Essential Services Commission to take into account whether or not the premises are actually connected to the relevant infrastructure.

The Hon. I.K. HUNTER: This is a longstanding area of interest for the Hon. Mr Parnell and his party; I understand that. But one must realise that, on the issue of connection, it also has to be noted that even those householders or landowners who are not connected to a mains water system benefit from investments in their community's water security. In particular, landowners gain benefits in the form of water being available for firefighting purposes and increased property values from having a water or wastewater service available for connection. It is therefore reasonable, in the government's view, to expect a contribution in such circumstances.

If landowners or householders could not be charged in these circumstances, this would mean increased costs for those households that are connected. The government is happy to look at these issues of affordability and connection more closely, but it should be done in the context of the proposed review of pricing by the Independent Regulator, when proper account can be taken of a range of competing interests of equity, economic efficiencies, sustainability and water security. We oppose the amendment.

The Hon. D.W. RIDGWAY: I indicate that the opposition also will be opposing the amendment. Our understanding is that it seeks to direct ESCOSA by establishing the principle that water pricing should have regard to the provision of a basic amount of water for essential human needs. The amendment also seeks to have ESCOSA take into account that a property that is serviced by water or sewerage is either not actually connected or the service is at a very low level.

The first part of the amendment, by being prescriptive, is about a particular principle to be taken into account by ESCOSA, which would detract from ESCOSA's flexibility. It should be noted that the bill already provides for the government of the day, by a Treasurer pricing order, to set out policies, principles, factors and parameters for ESCOSA to adopt and to apply when making a pricing determination.

The second part of the amendment (and I sort of concur with some of the minister's comments) would undermine the principle that all properties with the potential to have water or

sewerage connected should contribute to the cost of the service in recognition of the property's value and partly reflective of the potential to connect. I think the minister made some valuable points in relation to community services, such as firefighting and other community needs, that is, everybody in the community benefits from those. We will not be supporting the amendment.

The Hon. M. PARNELL: I can tell the will of the council even from over here on the crossbench, so I will not divide on this. However, I just make the point that I would not have expected that these people would have got away scot-free, for the reasons the minister has said: I expected that they would pay something. There is a value to having pipes in your neighbourhood for fire fighting and for other purposes.

I would still hope that, even though this amendment might not pass now, perhaps the Treasurer in a pricing order or ESCOSA of its own volition might take into account the fact that some people are doing the right thing and in fact relieving taxpayers of some of the expense, but not entirely, as the minister has said. I can tell the mood of the council and will not divide on this.

Amendment negatived.

The Hon. D.W. RIDGWAY: My amendment is consequential on the one defeated.

The Hon. R.L. BROKENSHIRE: Mine is consequential also.

Clause passed.

New clause 35A.

The Hon. R.L. BROKENSHIRE: I move:

Page 26, after line 15—Insert:

35A—Special price for water supplied for primary production

(1) For the purposes of this section, the Minister must from time to time constitute a panel constituted by the following members:

(a) a person nominated by the Minister (who will be the presiding member of the panel);

(b) a person nominated by the South Australian Farmers Federation Incorporated;

(c) a person nominated by the Local Government Association of South Australia;

(d) a person nominated by the South Australian Dairy Farmers Association Incorporated;

(e) a person nominated by the South Australian Wine Industry Association Inc.

(2) The terms and conditions of appointment of a member of the panel will be determined by the Minister.

(3) The proceedings of the panel (including as to quorum) will be prescribed by the regulations and, to the extent that the regulations do not deal with a particular matter, determined by the panel.

(4) The function of the panel is, on an annual basis, to fix the price that should be charged for water provided to a primary producer by a water industry entity for purposes associated with the business of primary production in the ensuing financial year.

(5) The price fixed under this section must be set out in a price determination issued by the panel.

(6) The panel must, in fixing a price—

(a) consult with the Commission; and

(b) consider the extent to which there can be consistency between the principles applied in relation to the pricing for the provision of water across the State (insofar as those principles may be relevant in the circumstances).

(7) For the purposes of this section, water supplied to a place used by a primary producer for purposes associated with the business of primary production and used for domestic purposes at that place will be taken to be used for purposes associated with the business of primary production.

(8) In this section—

business of primary production means the business of agriculture, pasturage, horticulture, viticulture, apiculture, poultry farming, dairy farming, forestry or any other business consisting of the cultivation of soils, the gathering in of crops or the rearing of livestock;

primary producer means a person who is wholly or substantially engaged in the business of primary production.

Family First put up this amendment after a great deal of consideration whereby we propose a special price for water supplied for primary production and that a pricing panel be established to determine what the price should be for primary producers. What we have done with this is similar to what the Greens have done with what I will call some SACOSS amendments, and we will support those SACOSS amendments for similar reasons. There are arguments that certain users of water should, in our opinion, be given an opportunity to buy that water at a fair and reasonable price.

What we have seen is a direct result of the desalinisation plant—and I will give a bit of quick history of that desalination plant. It was supposed to be a 50-gigalitre plant. In a walk in the park by then prime minister Rudd and then premier Rann, that was doubled. Whilst the commonwealth put money into it, the bottom line is that the desalination plant is an incredibly expensive piece of infrastructure, and what the government is trying to do now is rape and pillage every aspect of water purchase it can possibly get its hands on.

We have seen situations where, in the Clare valley, in the McLaren Vale wine region, in Meningie and surrounds, as examples, water for primary producers has absolutely gone through the roof, and it is now at the point where it is making those primary producers non-viable. As I always do, I declare my interest and that of my family as a dairy farmer.

I will go on to say that other dairy farming colleagues are now getting water bills in excess of $100,000 a year for water for stock and domestic use, for hosing down, cleaning up and washing milking machines, etc. The way agriculture is, there is no way known that there is a lazy $100,000 sitting around for a farmer to be able to write out a cheque to SA Water for water charges. It is just not on. In fact, it is at a point now where some of those farmers are at tipping point, which is of extreme concern.

Successive governments have supported mains water operations in the Clare valley and the McLaren Vale wine region, and with good intent those primary producers put viticulture and other forms of horticulture into production. To try to offset some of the issues with mains water, some were involved in a recycled water project in the McLaren Vale region. That was fine for some who were able to get recycled water but that recycled water only goes to a part of that region, and I have had lots of representation from growers because they are now struggling to be able to irrigate their vines.

Most members would know what has happened in the Clare valley and that it is in a desperate situation. Family First clearly acknowledges that you are not going to get this water for nothing and we do not expect that. However, when parliament was prorogued, the first point the Governor highlighted to the joint sitting of the parliament on behalf of the government was that the government was going to have a focus on the opportunities for agriculture for sustainable food production.

I give credit to the government for putting that right at the top after a lot of debate, but I put it to the chamber that, if the government wants to show more than rhetoric, here is an opportunity for it to support a panel. The minister has said that this is a primary producers panel. We will just go through who is on that panel: one is a person nominated by the minister who will actually be the presiding member of the panel and will, therefore, have a casting vote if required, depending on the circumstances; one from the South Australian Farmers Federation; one from local government; one from the South Australian Dairy Farmers Association; and one nominated by the South Australia Wine Industry.

The terms and conditions of a member of the panel will be determined by the minister. The problem we have at the moment is that there has been no panel and no consideration of the impact that this has, other than the fact that this government wants to get as many dollars as it can from wherever it can to help pay for an ill-conceived desalination plant. This desalination plant, I might remind colleagues, was opposed by the government when the Hon. Iain Evans was the leader of the opposition and went to Perth—

The Hon. I.K. HUNTER: Mr Chairman, this is not the place for a second reading speech and I ask you to direct the honourable member to speak to his amendment.

The CHAIR: The honourable member should stick to his amendment.

The Hon. R.I. Lucas: They are trying to gag you.

The Hon. R.L. BROKENSHIRE: They are trying to gag me but that is the way this government seems to be operating. I thought this was a consultation—

Members interjecting:

The CHAIR: Order!

The Hon. R.L. BROKENSHIRE: —explain and then make a decision government, but it is actually a stronger announce and defend government than the Rann government. I invite the minister to come with me in my car to see some of these farmers and he can have a firsthand look at the impact. I am arguing for this because, at the moment, the amount of money that these primary producers are being hit with is outrageous.

We are not saying that primary producers should not have to pay a fair and reasonable amount for water, but they are not mining magnates or pokie barons—as you often hear people in the government speak about hoteliers—they are actually out there trying to produce food. This needs to be done, I believe, in a fair and more equitable way. This sets up a panel that could have a look to see what is a fair and reasonable price for water and, as I said, it ties in, from a principle point of view, with some of the amendments which the Greens are moving and which we will be supporting.

The Hon. I.K. HUNTER: This amendment relates to [Brokenshire-1] regarding a special price for water supply for primary production. It is very similar to the amendment which was just defeated and which was moved by the Leader of the Opposition the Hon. Mr Ridgway. The government will not be supporting this amendment.

Essentially, it comes down to two points: first of all, the panel that is being suggested is not independent: it is comprised of three out of five primary producers. There is no way that a water company supplying water would ever see that panel being able to adopt an independent point of view when it comes to pricing for primary producers.

As I stated previously, the assumption is that the outcome of this amendment would be a lower price for supply and usage of water for primary producers. Sir, let no-one in this chamber be unaware of the fact that what that really means is the costs that you will be reducing for the primary producers will be passed on to every other customer. It will be passed on to every other residential customer, so if you think—

The Hon. R.L. Brokenshire interjecting:

The Hon. I.K. HUNTER: If you think that the outrage that you are saying—the confected outrage about the price—if you are successful with this amendment, just wait and see what the outrage will be from residential customers when they have to pick up the price for your amendment. The government opposes the amendment.

The Hon. D.W. RIDGWAY: I indicate the opposition will be opposing the amendment. We proposed a scheme earlier in the debate which would have given farmers and other users in rural communities the opportunity of purchasing water via a River Murray licence and then obliging SA Water to provide a delivery-only service, thereby offering different product which would provide some cost relief to farmers.

We saw that as a better way of dealing with this issue, but it is the view of the opposition that there are a number of users in our regional communities that might be better served by having been able to come together, or individually, and use SA Water to provide that delivery service. We also question—and I will just question the mover—I am wondering whether he has any thoughts to the ACCC, as to whether this is in contravention of any of the ACCC regulations in relation to competition.

I indicate the opposition will not be supporting this, notwithstanding that we understand the mover's intent, but we think the better way was providing a delivery service where either a group of farmers, a regional community or a group of industrial users could actually purchase water from the River Murray and have it delivered for their use.

The Hon. R.L. BROKENSHIRE: Could I just conclude, sir?

The CHAIR: Conclude?

The Hon. R.L. BROKENSHIRE: Well, I want to conclude, just to sum up. First of all, as I am seeing become more and more typical with this government, they are not even prepared to foreshadow a further amendment. If the problem with the government was that they do not like its composition, well damn well put up an amendment where you change the composition.

The Hon. I.K. Hunter interjecting:

The Hon. R.L. BROKENSHIRE: But you did not do that; you could be saving a heck of a lot of money. I want one more point placed on the public record: the Liberals did not get their amendment up, but the Liberal amendment would have cost the government of the day $15 million to $18 million; that is why the government did not support that one—it was a $15 million to $18 million cost.

This amendment is just about having some consideration and some equity into the deliberations around a fair price for them. Some of these people, by the way, cannot actually access River Murray water through a pipe, so this was an opportunity to be a bit innovative, but I hear the numbers of the two major parties, and I know what happens when they crunch together.

New clause negatived.

Clause 36 passed.

New clause 36A.

The Hon. M. PARNELL: I move:

Page 27, after line 3—Insert:

Division 4A—Customer hardship policies

36A—Customer hardship policies

(1) A water industry entity must—

(a) within 3 months of being granted a licence—

(i) develop a customer hardship policy in respect of residential customers of the entity; and

(ii) submit it for approval by the Commission; and

(b) publish the policy, as approved by the Commission, on the entity's website as soon as practicable after it has been approved;

(c) maintain and implement the policy.

(2) The policy must be consistent with any applicable code or rule under section 25(1)(a).

(3) The minimum requirements for a customer hardship policy of a water industry entity are that it must contain—

(a) processes to identify residential customers experiencing payment difficulties due to hardship, including identification by the entity and self identification by a residential customer; and

(b) processes for the early response by the entity in the case of residential customers identified as experiencing payment difficulties due to hardship; and

(c) flexible payment options for the payment of bills by hardship customers; and

(d) processes to identify appropriate government concession programs and appropriate financial counselling services and to notify hardship customers of those programs and services; and

(e) an outline of a range of programs that the entity may use to assist hardship customers; and

(f) where it appears that a customer may be using excessive amounts of water—a scheme for providing audits of equipment at the premises to check for leaks or other problems; and

(g) any other matters required by the regulations.

(4) A water industry entity may vary a customer hardship policy from time to time (taking into account the minimum requirements under subsection (3)).

(5) The Commission must, in considering whether to approve a customer hardship policy (or variation)—

(a) ensure that it complies with the minimum requirements under subsection (3); and

(b) have regard to the following principles:

(i) that the supply of water is an essential service for residential customers;

(ii) that water industry entities should assist hardship customers by means of programs and strategies that ensure the on-going provision of water for essential human needs;

(iii) that residential customers should have equitable access to hardship policies, and that those policies should be transparent and applied consistently.

(6) In this section—

hardship customer means a residential customer who is identified as a customer experiencing financial difficulties due to hardship in accordance with the water industry entity's customer hardship policy;

residential customer means a customer or consumer who is supplied with retail services for use at residential premises.

I think this amendment has general support. At one level, it might be thought of as consequential but, just to explain very briefly, if we go back to clause 25 of this bill, it requires that water industry operators have to have a licence. Part of the condition of the licence is complying with applicable codes or rules. One of the applicable codes or rules should be customer hardship policies.

We have already agreed to delete from section 25(4) the words 'if the Minister so requires', so that effectively means that we are making it obligatory for the minister to prepare a hardship policy, and what my amendment does is put some flesh on the bones. I appreciate, through discussions with the government, that it was a very prescriptive hardship policy originally, and I have made it a little bit more general but, nevertheless, I think it still captures the spirit of what is required in hardship policies.

Very quickly, I want to put on the record some information I have just received from Mark Henley, the Manager of Advocacy and Communication with UnitingCare Wesley. He has kindly forwarded to me some new ABS data, which is out today, dealing with hardship. This data updates the general social survey and includes financial stress data.

I am not in a position to table a statistical table but I will tell members the gist of this information is that the number of sole parent households who are facing financial stress as a result of utility bills has gone up considerably from 2006 to 2010. We have the situation now where 40 per cent of sole parent households have trouble paying their utility bills at some stage through the year and that most people, in fact, have multiple experiences of bill-paying stress in each year, and the mode amount is three to five problems per year.

Clearly, utility bills are starting to bite and it is very important that there should be hardship provisions in place to identify people who are potentially at risk of being cut off and assisting them with meeting their obligations. I look forward to the committee's support for this amendment.

The Hon. I.K. HUNTER: The government is happy to support this most excellent amendment.

The Hon. D.W. RIDGWAY: I am a little confused about the guidance I have received from our shadow minister, but I indicate that the opposition will not be supporting the amendment proposed by the Greens.

The Hon. R.L. BROKENSHIRE: Based on the principles that I argued before and the fact there needs to be flexibility in hardship areas, including primary production and general hardship, and knowing that SACOSS has been pushing this, we would support this amendment of the Greens.

New clause inserted.

Clauses 37 to 57 passed.

Clause 58.

The Hon. D.W. RIDGWAY: The opposition opposes clause 58 and its powers, which are available elsewhere to the minister. The bill obliges the minister to undertake water supply planning. It also empowers the minister to collect fees to pay for planning and associated work. Therefore, it should fall to the minister to be responsible for making decisions about restrictions or discontinuance of supply. This clause divorces the minister from the responsibility, so we would like to oppose the clause.

The Hon. I.K. HUNTER: Clause 58 provides powers for water industry entities to respond to a set of circumstances that may impact their ability to provide a reliable or safe service. Under this clause an entity may restrict or discontinue supply in accordance with any requirement stipulated in the regulations, for example, if the quantity is insufficient to meet demand, if the quantity or quality is below standard or the capacity of the water infrastructure is insufficient to cope with demand.

This should not be confused with the water conservation provisions in clause 90, which prohibit certain types of water use. Powers similar to those in clause 58 have been afforded to SA Water in the past under section 33 of the Waterworks Act and will now be available to other water industry entities under this clause.

There are a number of examples where the powers in clause 58 would be used by SA Water or by other entities. For example, the powers in clause 58 would be used in situations where there is a lack of supply. A number of SA Water's rural systems have been developed to provide water for domestic and stock watering purposes. Without the ability to restrict supply, experience has shown that some customers have taken much higher volumes of water, for instance, to store water by filling large dams. This interferes with the system's ability to provide water to downstream customers and has the potential to exhaust water allocations, potentially making SA Water non-compliant with its licence requirements.

The powers in clause 58 would also be used in situations of poor water quality. Drought conditions typically lead to deterioration in water quality such as high salinities and the potential for toxic algal blooms. Whilst this has been managed in the past, issues with salinity or nutrient levels could lead to the need to discontinue supplies should the water become unsafe to drink.

Finally, the powers in clause 58 could also be used in situations where there are short term system failures. Circumstances arise from time to time that require the water supply system to be shut down. For example, in 2005, SA Water lost pipelines on Eyre Peninsula due to bushfires, and supplies were severely interrupted for two weeks, with water supplies subsequently restricted.

The absence of these powers, such as in clause 58, would mean that each water industry entity would need to either provide sufficient infrastructure to guarantee continuous supply under all situations regardless of cost or allow systems to run dry when available water was exhausted. The inability to lessen water supply or manage its use in unavoidable circumstances may have a negative impact on these services or create a reluctance to enter into this area of service provision. Consequently, the government asks the committee to support the clause.

The Hon. A. BRESSINGTON: I will be supporting the clause.

The Hon. M. PARNELL: The Greens will be supporting the clause.

The Hon. R.L. BROKENSHIRE: We will be supporting the clause, based on what I have just heard.

Clause passed.

Clauses 59 to 79 passed.

Clause 80.

The Hon. D.W. RIDGWAY: I move:

Page 59, line 21—Delete 'Subject to subsection (2), a' and substitute:

A natural

This is in relation to self-incrimination. Subclause (2) provides:

If a person is required to give information or produce a document under this Part in circumstances prescribed by the regulations and the information or document would tend to incriminate the person of an offence, the person must nevertheless give the information or produce the document, but—

It has been the longstanding position of the Liberal Party that a natural person should not be required to give information that may incriminate them. I think members would be well aware of our longstanding principle, so I urge members to support the amendment.

The Hon. I.K. HUNTER: The government's position is that the amendment is not required. Clause 80, as proposed in the bill, already includes appropriate protections and balances these against other policy outcomes. For example, if a natural person is required to provide evidence that is incriminating, then that evidence cannot be used against them in court. However, the information obtained could still lead investigators to other evidence that could be used to prosecute a person.

Clause 80 also provides protection in the instance where a company is required to produce evidence that is incriminating. Again, that evidence cannot be used against them in court, but that information obtained could lead investigators to other evidence that could be used to prosecute a company director.

The effect of the opposition's amendment would be to remove this clause in relation to companies. If evidence or information cannot be obtained in this way, it may not be possible to prevent continuing harm or to manage risk of harm to persons, the environment or the public.

Interestingly, in April this year the opposition supported self-incrimination provisions in the Safe Drinking Water Bill that were similar to the provisions in clause 80 of the Water Industry Bill. In fact, the provisions offered less protection for a person who has to produce documents or provide information. The government, therefore, cannot support the opposition amendment in this case.

The Hon. S.G. WADE: The minister rightly pointed out that the opposition has, if you like, eased the privilege of self-incrimination where there is a threat to water. If the government already has the power to override self-incrimination where there is a threat to the environment or public health, as this parliament provided for earlier this year, why do we need to honour reticulation issues?

The Hon. I.K. HUNTER: My advice is that we are still dealing with water issues in this bill so we need consistent legislation. I should correct myself, I said, interestingly, in April of this year. I meant, of course, April of last year.

The Hon. S.G. WADE: I would make the point to the committee that we should be very reluctant to wind back the privilege of self-incrimination. If there is a threat to water in relation to the environment or health, we have already given the authorities the power to act, we should not give them the power to override self-incrimination when they are actually water pumping.

The Hon. R.L. BROKENSHIRE: I rise to advise the committee that Family First will be supporting the opposition. The situation is, for a start, that I do not trust the wording of this. It states that the person must, nevertheless, give information or produce the document. It goes on—which this government is famous for in drafting—to state that things will be established in regulation. I remind my honourable colleagues of what we are seeing with NRM and the way those officers go about intimidating (and so on and so forth) property owners when they try to get evidence. It is actually more than intimidating, it is sometimes interrogating. This is a basic principle of right that has been in the parliament for a very long time. I think it is a big error of the government to even push this as an amendment.

The Hon. I.K. HUNTER: I remind honourable members that the effect of the opposition's amendment would be to remove this clause in relation to companies. That evidence that we seek would not be used against them in court but could lead to other information that could lead investigators to other evidence that could be used to prosecute a company director. If you support the opposition's amendment in this regard you are deleting the action of this clause from acting on companies.

The Hon. A. BRESSINGTON: It is my understanding that, under Australian law, it is already established that bodies corporate do not have the right to be protected from self-incrimination. So, I will be supporting the amendment.

The Hon. M. PARNELL: The Greens will not be supporting the amendment. The starting point for us is to look at the subject matter and the likely range of issues that are going to be dealt with, and they are issues that are beyond an individual's relationship with the state. Often, when we think about self-incrimination, it is just that person and the state. What we are talking about here is

the stuff of life. We are talking about infrastructure to deliver clean water and take away dirty water. When things go wrong, when people do not comply with their obligations, things can go terribly wrong.

I cannot see that there is a logical distinction to be made between individuals who are involved with the water industry and companies involved in the water industry. It makes no sense to have different standards applying to both. Having said that, we need to hang onto legal principles, such as the right to not self-incriminate, but that right is subject to the greater good, and the government has put some safeguards in here. As I understand the minister's comment before, and as I understand the Liberal amendment, we are dealing with amendment No. 18 now, but when we deal with amendment No. 19, that deletes the whole of subsection (2), including the reference to corporations. I am assuming that is what the minister was getting at. I do not think that this amendment, or the following one, are worthy of support.

The Hon. K.L. VINCENT: I am certainly opposing this amendment.

The committee divided on the amendment:

AYES (10)

Bressington, A.	Brokenshire, R.L.	Darley, J.A.
Dawkins, J.S.L.	Hood, D.G.E.	Lee, J.S.
Lensink, J.M.A.	Ridgway, D.W. (teller)	Stephens, T.J.
Wade, S.G.		

NOES (9)

Finnigan, B.V.	Franks, T.A.	Gago, G.E.
Gazzola, J.M.	Hunter, I.K. (teller)	Kandelaars, G.A.
Parnell, M.	Vincent, K.L.	Wortley, R.P.

PAIRS (2)

Lucas, R.I.	Zollo, C.

Majority of 1 for the ayes.

Amendment thus carried.

The Hon. D.W. RIDGWAY: I move:

Page 59, lines 24 to 42—Delete subclause (2)

This is to delete subclause (2) of clause 80. I will not prolong the debate. As I think we are all well aware, the opposition's position is that natural persons should not be forced to display evidence which will incriminate themselves—a fundamental tenet of our law. I thank members for their support on the previous amendment and I look forward to their support for this next amendment.

The Hon. I.K. HUNTER: For similar reasons to the last amendment, the government opposes this one.

The Hon. R.L. BROKENSHIRE: It is no surprise to you, Mr President, I am sure, but Family First will be supporting the opposition on this, and I want to say why. Under this further amendment, the opposition's position is that a natural person should not be forced to supply evidence which will incriminate themselves as a fundamental tenet of our law. Frankly, we believe that the argument that the evidence cannot be used in court against the natural person is inconsequential because, once the person has evidence of incrimination, the investigator simply assembles a body of evidence excluding that piece of information. The law is being used, and at times abused, not for the protection of society but for the attainment of convictions.

I also want to say that we understand, like the Hon. Ann Bressington, that, with regard to the bodies corporate, it has already been established in Australian law that bodies corporate do not have the right to be protected from self-incrimination. But, certainly, when it comes to the individual, we believe that they should have that right, and we will be supporting the opposition.

The Hon. A. BRESSINGTON: I will be supporting the amendment as well.

Amendment carried; clause as amended passed.

Clauses 81 to 85 passed.

New clause 85A.

The Hon. M. PARNELL: I move:

Page 65, after line 1—Insert:

85A—Consumer advocacy and research fund

(1) The *Consumer Advocacy and Research Fund* is established.

(2) The Fund must be kept as directed by the Treasurer.

(3) The Fund consists of—

(a) the amount of $250,000 (indexed) paid into the fund on an annual basis (at a time determined by the Treasurer) from the total amount of annual licence fees payable under section 24 attributable to designated prescribed costs in any particular financial year; and

(b) any money provided by Parliament for the purposes of the Fund; and

(c) any income arising from investment of the Fund under subsection (4); and

(d) any additional money that is paid into the Fund under a determination of the Treasurer; and

(e) any other money that is required or authorised by another law to be paid into the Fund.

(4) The Fund may be invested as approved by the Treasurer.

(5) The Minister may apply the Fund—

(a) to support research or advocacy that promotes the interests of consumers with a disability, low income consumers, or consumers who are located within a regional area of the State; or

(b) to support projects that advance the interests of consumers from an advocacy perspective; or

(c) in making any other payment required by another law to be made from the Fund; or

(d) in payment of the expenses of administering the Fund.

(6) The administrative unit of the Public Service that is, under the Minister, responsible for the administration of this Act must, on or before 30 September in each year, present a report to that Minister on the operation of the Fund during the previous financial year.

(7) A report under subsection (6) may be incorporated into the annual report of the relevant administrative unit.

(8) The Minister must cause a copy of the report to be laid before both Houses of Parliament within 12 sitting days after the report is received by that Minister.

(9) The amount of $250,000 (indexed) referred to in subsection (3)(a) is to be adjusted on 1 July of each year (commencing on 1 July 2013) by multiplying that amount by a proportion obtained by dividing the Consumer Price Index for the immediately preceding March quarter by the Consumer Price Index for the March quarter, 2011.

(10) In this section—

Consumer Price Index means the Consumer Price Index (All groups index for Adelaide) published by the Australian Bureau of Statistics.

This amendment inserts a community advocacy and research fund. This amendment has had a number of different iterations, and I think that I have settled on a version that I hope will meet with the committee's satisfaction.

Basically, what I think all members would know is that, when it comes to the engagement of stakeholders in a process, it is important that those stakeholders be empowered to engage at a level that is commensurate with the subject matter and, when it comes to utilities, whether it is service contracts for electricity or, in this case, in relation to water, the interests of consumers are best met through empowered advocacy on the part of those groups.

This is an amendment that certainly SACOSS was supporting, but a range of other community groups are supporting it as well. Basically, what this amendment does is it creates a community advocacy and research fund which can be used by the minister to support research or advocacy which promotes the interests of consumers with a disability, low-income consumers or consumers who are located within a regional area of the state. So, they are the three main criteria: disability, low income and, as the Hon. Rob Brokenshire has mentioned many times today, people in regional areas of the state.

The different iterations of this amendment are that the first version I put forward had the primary sum being a percentage of the licence fees. A number of members found that was a bit too uncertain. We then put in the amount of $500,000, and that was a little bit much. So, now we are down to $250,000 which, on my calculations, is probably about 10 per cent of the relevant licence fees. It is not a huge sum of money, given that we are talking about a product and services that affect the entire population.

Those figures I gave members earlier—that 40 per cent of families comprised of a sole parent with children are under stress when it comes to paying utility bills. So, having a well-informed, well-resourced advocate in various forums to do with the setting of standards and prices, I think, is absolutely critical.

I see this as complementary, if you like, to some of the other amendments we have passed today. The hardship provisions have had the support of the committee. I think this advocacy fund does as well. It would be too difficult, whether it is welfare, disability or regional groups, to participate meaningfully if that participation is not resourced. I urge all members to support this amendment.

The Hon. I.K. HUNTER: The government supports the amendment in the interests of supporting advocacy and research that assists vulnerable consumers, and provided the fund is limited to $250,000.

The Hon. D.W. RIDGWAY: The opposition was not going to support the amendment as we believe the bill already provides in section 14 for consumer advisory committees to enable the consumers to provide advice to ESCOSA on any matter relating to the water industry. In fact the same committees may also be established under the Electricity Act, so it is our view that a provision is there already for consumer advocacy and we think this is another duplication, but at the end of the day if the government is supporting it and there is sufficient support for the Greens amendment, we will not be dividing.

The Hon. R.L. BROKENSHIRE: It is our intention to support this. I had a meeting with the CEO of SACOSS and there are a range of issues that we would have introduced also. Suffice to say that an effort has been made by crossbench members to try to get up some amendments to assist people, and this one will assist people I believe and we will support it.

The Hon. K.L. VINCENT: I am very happy to support this amendment. To put it simply, there are many people within the disability sector on low incomes who do need assistance and advocacy when it comes to essential services like these. It is particularly relevant, given that this government is now attempting to move the disability sector in particular to a human rights framework, and I think that will require a lot more advocacy than we have available currently and I think this is a good place to start, so I fully support the amendment.

New clause inserted.

Clause 86 passed.

Clause 87.

The Hon. D.W. RIDGWAY: I move:

Page 65, lines 15 and 16—Delete subclause (2)

This clause relates to delegation by minister and states:

> (2) a function or power delegated under this section may, if the instrument of delegation so provides, be further delegated.

I moved my amendment No. 4 in relation to a similar power earlier in the bill. It was not supported, so I will not argue for too long and too vigorously. It is a technical amendment so that you keep track of the powers that have been delegated. I hope members have a different view this time, but I am not holding my breath.

The Hon. I.K. HUNTER: As the honourable member said, this removes the ability to subdelegate functions. This amendment has a similar effect to amendment No.4 in the name of the Hon. Mr Ridgway, which this chamber defeated last sitting week. Numerous acts I am told have clauses like this. It is not an uncommon feature and the government does not support the amendment.

The Hon. M. PARNELL: The Greens will not support the amendment.

Amendment negatived; clause passed.

Clauses 88 to 90 passed.

Clause 91.

The Hon. R.L. BROKENSHIRE: We oppose this clause. We have seen a series of new levies, charges and taxes coming into this state over the last 10 years. In the community now there is hardly anybody that I meet who is not telling me they are doing it tough. The save the River Murray levy did not save the River Murray: a flood actually saved the River Murray. We have moved on since then also because the Murray-Darling Basin Authority and the commonwealth powers are such that they have the general control of the River Murray.

There is a large amount of money available that the states are siphoning from the commonwealth for projects. I believe that, based on what has happened historically since they set up this River Murray levy and the fact that it failed to deliver, there is a lot of money each year left unspent. The ministers always say, 'We'll find a purpose for that,' or 'We're doing some more assessments before we spend it.' The bottom line is that the money is not being spent; people are hurting; this bill is here now and this is an opportunity for us to give some relief to the South Australian community, so I commend the amendment to the committee.

The ACTING CHAIR (Hon. J.S.L. Dawkins): Before the minister responds to the Hon. Mr Brokenshire I need to advise the committee that we need to deal with amendment [Ridgway-1] 21, clause 91, page 69 after line 22 before we deal with the Hon. Mr Brokenshire's amendment. We do have you on the record, the Hon. Mr Brokenshire, but we will go back and deal with the Hon. Mr Ridgway's amendment.

The Hon. D.W. RIDGWAY: I move:

Page 69, after line 22—Insert:

(11a) This section does not apply in relation to land—

(a) if the land is not supplied with water by a retail service provider; or

(b) if water supplied to the land by a retail service provider is supplied as part of water supply system that is not in any way connected to a water resource that is sourced (directly or indirectly and wholly or in part) from the River Murray.

This is consistent with a longstanding Liberal Party policy where we seek to relieve SA Water customers whose water supply has no connection with the River Murray from paying the River Murray Levy. For example, people living on Kangaroo Island, who have no impact on the River Murray through their water usage, consequently can in no way change any impacts on the River Murray by modifying their water use. In addition, there are people saddled with other living expenses not shared by other South Australians.

Similarly, South Australians in the Far North and the South-East, where they have no connection to the River Murray, are currently obliged to pay the levy. The opposition thinks that it is, in a sense, a levy on River Murray users. While at the time we thought it was an interesting measure, it is established now, and I think it recovers something in the order of $20 million a year and so we are not necessarily of a mind to oppose it and to do away with the River Murray levy.

However, we urge members, especially in this amendment, to support the opposition's view about people who are not connected to it—as I said, Kangaroo Island, the Far North, the South-East—it is about halfway between Keith and Bordertown that the pipeline runs out from the River Murray water and from there on for the rest of the South-East water is from the underground aquifer. It does not make any sense to the opposition to apply the River Murray levy to people who do not use any of the water from the River Murray.

I know that the Hon. Mr Brokenshire would like to remove the River Murray levy in its entirety but, given that we are debating this amendment first, I would urge members to support this as a sensible and reasonable measure. It goes halfway, if you like, to what Mr Brokenshire is trying

to do, but it does take the levy away from those people who do not use any of the water at all from the River Murray.

The Hon. I.K. HUNTER: The River Murray is an iconic part of the social, economic and environmental fabric of South Australia, of the whole state. Its value goes well beyond its function as a water supply for large parts of South Australia. It has intrinsic value quite apart from its function as a water supply. The government does not believe that it is unreasonable to ask South Australians to contribute to the preservation of one of our greatest state assets.

This amendment would negatively impact on the revenue available to save the River Murray. In addition to this, given that we are currently developing our response to the draft basin plan, if we were to reduce our financial commitment to saving the River Murray this would send a very poor and, might I say, a very dangerous message to South Australians and the rest of the nation. We must maintain our commitment to restoring the river to health and restoring the health of the basin.

The Hon. M. PARNELL: I think the minister summed it up very well in his contribution. The River Murray is certainly much more important to our state than simply a source of water coming out of a tap. The opposition's amendment seeks to effectively limit those who are to pay the levy to those who get, at some stage or another, River Murray water out of their tap, but it does not impact on people who—and I will use the people of Kangaroo Island as an example—might not get that water out of their tap, but they might enjoy the biodiversity; they might go boating, canoeing, or waterskiing—you name it.

There is always a difficulty with hypothecated levies, where you actually take something outside the general taxation regime and you apply a special or separate single-purpose levy for it. It is appropriate to limit some of those to a small number of people who might benefit from it, but there are others where it is more appropriate for it to go broader. All of us can think of examples of services that are provided that we are never going to use, and yet we are happy to pay for them because it is part of being in a society. I doubt I will ever be admitted to the Women's and Children's Hospital, being in neither of the eligible groups, yet I am more than happy that my taxes are paying for it.

We could have a debate about whether we should have a River Murray levy at all, but the minister's point that he made was that if, as a state, we are about to take on this massive national debate about whether or not we are going to get a core amount of water as an environmental flow across the border into South Australia, it actually does send a very bad signal—it sends the wrong signal interstate—in relation to this fairly modest amount of $20 million that we are going to either, in the opposition's case, shrink that amount, or in the Hon. Rob Brokenshire's case, abolish it completely. I just think that we would have trouble in that national forum saying, 'We're not happy with how you are mismanaging the River Murray and, by the way, we've decided to not spend this $20 million.'

I just remind members that the levy goes into the fund, and the fund is spent on programs and measures to improve and promote the environmental health of the River Murray, as well as ensuring the adequacy, security and quality of the state's water supply from the River Murray. So, there is a range of purposes. We could have a debate about whether the money is being well spent, poorly spent, or not spent—that is what the Hon. Rob Brokenshire was raising—but I think that the concept of the River Murray levy is generally supported.

People will always grizzle about taxes, the emergency services levy, etc., but I think it is generally supported. The number of emails or letters I have had in my office over the last six years telling me that this is an outrageous impost on the citizens of South Australia and must be abolished—I do not know if I have received any. So I think that we can keep these arrangements going, and I think that we should spread the cost of this levy over the broader base of the community than that proposed by the Hon. David Ridgway's amendment, so we will not be supporting the amendment. Similarly, we will not be supporting the Hon. Rob Brokenshire's proposition to delete this provision in its entirety.

The Hon. A. BRESSINGTON: I will be supporting this amendment, and also supporting the Hon. Robert Brokenshire. I do not know how that is going to work, because this one comes first, and that one—

Members interjecting:

The Hon. A. BRESSINGTON: You know what? The Hon. Mark Parnell says that everybody uses the River Murray at some stage, or gains some benefit, goes boating, etc. What are we going to tax next? Surfing at Glenelg or Henley Beach? They are iconic areas as well for people who love the sun, surf and sand. The fact is: Mother Nature saved the River Murray, and Mother Nature will continue to save the River Murray, just as she has done for the last 150 years.

What happened with the River Murray during the one in 100 year drought has happened time and time again. It was not a one-off situation, it will happen again in the future. People are paying $20 million out of taxpayer funds and getting absolutely nothing in return for that money. As far as sending a bad message at this point in time during negotiations over the Murray-Darling Basin agreement, let the federal government sort that one out.

We have heard all the way through, and the Greens say how tough people are doing it, and the Hon. Robert Brokenshire has talked about producers and whatever, yet it is still okay to siphon out $20 million of taxpayer money for something that we see nothing happening from. I say: get rid of it. I know plenty of people who say: get rid of it; it is a scam; it is an extra levy that we don't need. Those people would not write to the Hon. Mark Parnell about this because he is a member of the Greens and we all know that the environment comes first and people come second.

The ACTING CHAIR (Hon. J.S.L. Dawkins): I advise the Hon. Ann Bressington that she can vote to amend the clause initially and subsequently vote to oppose the clause. You can do both.

The Hon. A. BRESSINGTON: Okay; thank you.

The ACTING CHAIR (Hon. J.S.L. Dawkins): I call the Hon. Mr Brokenshire.

The Hon. R.L. BROKENSHIRE: I thank you for your advice there, Mr Acting Chairman. Obviously, this one goes up. I will still be opposing the clause. If this gets up but the clause is opposed, there would have to be a change to delete the whole of the levy. I just want to say a couple of things and then put a question to the minister.

When it comes to other states, to my best knowledge, no other state has a save the River Murray levy. Notwithstanding that, all other states that have the Murray-Darling Basin in them, other than South Australia, have actually done a lot better from the commonwealth share of the $13 billion. I do not buy the argument that we would be looked down upon if we were to remove the levy.

I also say that the levy has not delivered. If you go along the River Murray, and I have been along there quite a bit in the last several months, most of the projects there have a commonwealth badge on them as well as a state badge, and a lot are local projects, too. In one sense, $20 million is a lot of money, but it is not a lot of money to the government compared to the impact that $20 million has on all South Australians who are currently paying this levy when they do not even have River Murray Water connected.

Given that water bills are going up over 50 per cent now, and then they are going up more and more, that $20 million might help them to provide a bit of water for a garden and their family to have a decent shower and cook a bit of tea. I think it is about time we got back to reality. This was set up as a tax grab and it has not delivered. Those people who have not had any opportunity—like those in the South-East, parts of Eyre Peninsula and other parts of the state—certainly should not be paying it. We would like to see the levy totally removed. It was a levy that came out of the blue. There was no mandate for this levy.

Also, I want to finish with this before asking the minister a question. I believe most South Australians did not think that this levy would go on forever. What we are now seeing is that this levy has become another tax. I want to finish with one key point. We have seen a doubling of the taxation base from $7 billion to nearly $15 billion. People are already paying tax to save the Murray. If this government started to manage, they would not have to hit people in the backside with an additional levy.

So, use the $15 billion part of that to help save the Murray. I have a question to the minister. Can the minister advise the house what percentage of the save the Murray levy actually goes into the department for administration, and other add-on costs to the department specifically: and what percentage of the money actually goes into delivering projects on the ground?

The Hon. I.K. HUNTER: The Hon. Mr Brokenshire raises a comment—a debating comment, really—about no other state having a save the River Murray levy. In fact, that is pretty

meaningless. Other states have different ways and different mechanisms of raising money. For example, if the Hon. Mr Brokenshire did not know this, Victoria has a tax on water retailers called the environment contribution tax. Other states have different ways of raising the money. Our way of raising money to save the River Murray is the River Murray levy. On the particular question he asked, I will have to take that on notice.

The Hon. D.W. RIDGWAY: The Hon. Mark Parnell made a comment about the fact that we pay a number of different levies, the emergency services levy being one. I am sure the people in the South-East, who do not get River Murray water but pay the levy, will never get River Murray water. I am sure they would not want to be in a situation where they needed the services of the emergency services, but they pay the levy knowing that if they have a fire, a road accident, or whatever, those services will be there for them. There is a benefit there for them as individuals.

The question the Hon. Mark Parnell raised is important. He is saying that we have to pay this tax. This is one that was designed and put in place by this government and then premier Rann. Premier Weatherill was part of the cabinet. I am not sure if he was environment minister at the time but he may well have been. It was designed to be a levy on users of River Murray water. Suddenly, we discover that those in places like Kangaroo Island, the South-East (Bordertown) and the Far North are paying that levy, yet will not ever have the opportunity to enjoy any of the benefits of the River Murray water being reticulated for their property.

Unlike the emergency services levy, where everybody not wanting to avail themselves of those services still pays a levy—and in the back of their mind they know that in their hour of need they will be able to access an emergency service—this is different again. I certainly urge all members to support this amendment that relieves those who do not get any water from the River Murray of the burden of the levy.

The Hon. I.K. HUNTER: I just took on notice a question from the Hon. Mr Brokenshire. My advice is that the question is answered in a report tabled in parliament. It is an annual report on the Save the River Murray Levy Fund. That provides that money raised through the levy must be spent in accordance with the purposes of the act.

The Hon. R.L. BROKENSHIRE: Given that amendments have already been passed that are now going to go to another place, can the minister table a full breakdown of that before we see any further deliberation from what happens in the other house, including what has been syphoned off for administration costs and the like?

The Hon. I.K. HUNTER: I am advised that I can, but I would point out that the annual report tabled in this place is a public report. You could do the homework yourself.

The committee divided on the amendment:

AYES (10)

Bressington, A.	Brokenshire, R.L.	Darley, J.A.
Dawkins, J.S.L.	Hood, D.G.E.	Lee, J.S.
Lensink, J.M.A.	Lucas, R.I.	Ridgway, D.W. (teller)
Stephens, T.J.		

NOES (9)

Finnigan, B.V.	Franks, T.A.	Gago, G.E.
Gazzola, J.M.	Hunter, I.K. (teller)	Kandelaars, G.A.
Parnell, M.	Vincent, K.L.	Wortley, R.P.

PAIRS (2)

Wade, S.G.	Zollo, C.

Majority of 1 for the ayes.

Amendment thus carried; clause as amended passed.

Clauses 92 to 96 passed.

New clause 96A.

The Hon. R.L. BROKENSHIRE: I move:

Page 71, after line 23—Insert:

96A—Scheme to install separate meters on all properties

(1) The Commission must prepare and publish a report on the implementation of a scheme that is designed to ensure, so far as is reasonably practicable, that all land—

(a) that is owned by the South Australian Housing Trust or another agency or instrumentality of the Crown; and

(b) that is used for residential purposes; and

(c) that is subject to a separate occupation; and

(d) that is supplied with water by a water industry entity as part of a reticulated water system,

will have a meter that records the amount of water supplied to that piece of land.

(2) The scheme must address—

(a) the fitting of meters to premises existing at the time of the publication of the report (insofar as meters are not fitted); and

(b) the fitting of meters to premises constructed after the publication of the report.

(3) The report must be published by 30 June 2013.

(4) In connection with subsection (2), the scheme must set out a program under which all existing premises supplied with water by SA Water as part of a reticulated water system (and falling within the ambit of subsection (1)) will be fitted with a meter as envisaged by subsection (2) by 31 December 2016.

(5) This section does not apply to premises where it is not reasonably practicable to fit a separate meter.

(6) Without limiting the extent to which the Commission may consult for the purposes of this section, the Commission must specifically consult with SA Water about the program that must be established under subsection (4).

This is a scheme to install separate meters on all South Australian Housing Trust properties. The minister with the carriage of this bill also has responsibility for the South Australian Housing Trust (or Housing SA). We have talked about the importance of equity, fairness and hardship. We have supported the Greens with some of those amendments of SACOSS, and I would seek support for this amendment.

I remind colleagues that when the now Premier, the Hon. Jay Weatherill, was the minister responsible for Housing SA he made a commitment to fix this problem. That was several years ago, and here today we still have a situation where there are lots of people unfairly paying for water because this government has not put a proper plan or process into its verbal commitment to deliver separate water meters on all properties.

We have considered this carefully. I think we have been fair in what we have said to the government. I will go through a couple of the points. The commission must prepare and publish a report on the implementation of a scheme that is designed to ensure as far as reasonably practicable—so, if there are situations where you cannot, we wear that. However, all land owned by the South Australian Housing Trust or another agency, etc. has a separate water meter.

We are saying that the report must be published by 30 June 2013, so we are giving the government about 17 months or something to do that, and then we are saying in connection the scheme must set out a program under which all existing premises supplied by SA Water as part of a reticulated water system will be fitted with a meter. We have given a date of 31 December 2016.

We think that is a fair and reasonable time but unfortunately—and I have said this a couple of times in this debate and I stand by it—we just cannot take any longer the government saying they will fix it, set up a review and that they will implement a process, set up a panel or whatever because they do not stick to their word. You might as well use their press releases to wrap up your rubbish because it does not always come to bear what they say in the release.

We have an opportunity, as members of parliament, to bring in amendments like this. It is not often that we get a chance, but this is really about hardship. I am sure all members in this house have had a lot of constituents talk to them about the problems, but there has to be some fairness there. This is real hardship for people. It is not equitable. I commend the amendment to the house.

The Hon. I.K. HUNTER: The government opposes this amendment, although the proposed amendment raises some significant policy questions and deserves respectful consideration. We acknowledge that meters can offer better feedback to customers about water use than quarterly billing and could better support a shift to scarcity pricing and more efficient water use.

We must consider that there is also the cost of installation. At present, it is government policy that there will be no mandatory introduction of metering unless the benefits clearly exceed the costs, otherwise installation and metering will just mean more costs for consumers. Before any decision is made to require metering for water services, there would need to be a public consultation and an assessment of the costs and benefits of the relevant options. The government opposes this amendment.

The Hon. D.W. RIDGWAY: I indicate that the opposition will be supporting the very sensible amendment by the Hon. Robert Brokenshire. We note that in the first line of his proposed new clause is that the commission may prepare and publish a report on the implementation of a scheme designed to ensure as is reasonably practicable regarding land owned by the Housing Trust and other agencies under the crown.

The minister says that where there is a benefit and there is a cost to do so, they will only do it where there is a benefit. As the price of water goes up, it allows individuals who are often in Housing Trust situations (low income earners and people who do not have a high level of disposable income) a chance to accurately monitor exactly how much water they are using. The opposition thinks this is a sensible amendment and we are very happy to support it.

The Hon. A. BRESSINGTON: I indicate that I will be supporting this amendment. With the minister saying that there has to be a cost benefit analysis basically done on this, that the cost of fitting meters has to be taken into consideration, we just finished debating a $20 million levy that people do not get any benefit from and need to pay. Some of the people who are affected by not having an individual meter are aged pensioners.

I have heard representation from a number of aged pensioners who are living off the same meter as a family with two or three children. There is no way of knowing how much water they are using as a couple and how much they are paying for the water being used by those families with two or three children. I think that is outrageous, given that last year this government saw the opportunity to claw back a pension increase by the federal government, which it promised it would not do, to aged pensioners. Now, the government is saying that we have to consider the cost of installing these meters so that they can measure and monitor their own water use.

Finally, let me say that it never ceases to amaze me in this place that, on one side of the coin, an argument can be used for the need to consider the cost and then, on the other side of the coin, used against such a proposition. What about the cost to the taxpayer? What about the cost to the aged people? What about the taxes and levies they are paying for these services? What do they get back in return?

I know that there is difficulty with some of these blocks of units in having individual meters installed. I have heard it discussed before, that is, that it is a very expensive exercise; but I have also heard that there is a solution to that with a different kind of metering, something this government has refused to look at and consider. So, now, on notice, do your job. Give the people the services they pay for and allow them the freedom to know how much water they are using and how much water they are paying for.

The Hon. I.K. HUNTER: If the Hon. Ann Bressington was doing her job, she would acknowledge that, in the situation she is referring to, where there are group homes that share a housing trust meter, Housing SA pays 30 per cent of that water bill to take into consideration the differential water uses in different households.

The Hon. A. Bressington interjecting:

The Hon. I.K. HUNTER: The Hon. Ann Bressington says that it is not enough. She might come back here at a later stage and find that, when those places have been individually metered, people are actually paying more than they are now with the 30 per cent discount.

The Hon. A. Bressington: So, be it.

The Hon. I.K. HUNTER: Oh, great! The Hon. Ms Bressington says, 'So be it.' So, through her actions in this place, she is going to make people pay more for their water bills than they do now. She is saying that she is going to pass this amendment to make people pay more for their individual water bills than they might already do now because they have 30 per cent taken off the price of their water bills. Go for it, Ms Bressington, do your job.

The Hon. A. Bressington: No worries, minister.

The CHAIR: The minister should not debate.

The Hon. A. BRESSINGTON: Let me tell you: that is just sheer speculation and guesswork on your part.

The CHAIR: Order!

The Hon. A. BRESSINGTON: You have no way of substantiating that cynical little argument. If people are using water, they pay for it like everybody else. But I guarantee you that these two old pensioners, who are living in a set of flats and paying water and having to sit by and watch families with two or three children consume water—

The CHAIR: Order! That's enough of a debate.

The Hon. A. BRESSINGTON: —at three times the rate, will not be paying more for their water.

The CHAIR: Sit down, order! The Hon. Mr Darley.

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

The Hon. M. PARNELL: I understand the government's argument that very often the cost of installing a meter is not warranted by the amount of water that is used. Using round figures if, for example, it costs, say, $200 to install a meter but it is a multilevel flat with one person living in it and they might not use $20 worth of water a year, basically, it would take you 10 years of water use to pay back the cost of the meter. So, I can understand that it is a difficulty from the government's perspective.

I was at a housing trust block of units over this last summer, and one of the tenants told me how, in an attempt to beautify, if you like, what was a fairly barren garden—a bit of a wasteland—he tried to water the lawn, and he was yelled at by his neighbours. The response was, 'Don't you know we're all paying for that?' It was a difficult situation. He really wanted to live in a nice environment. The lawn was dying and it could have used a bit of water but, because of the way of the metering, everyone had to pay for it.

I will refer to a case with which I am familiar—and I am not going to suggest that this a very common case. Members have referred to the fact that household sizes are different and, clearly, household water consumption patterns are different as well. One case I am aware of that went to the Residential Tenancies Tribunal was a person who suffered from a mental illness—obsessive compulsive disorder—and they washed and they washed and they washed. Basically the water was running pretty much around the clock, and the neighbours in this block of units were saying, 'This is really unfair; we all have to pay because there's no separate meter.'

Having said all that, there is one problem I can see with the Hon. Rob Brokenshire's amendment. He has a list of the criteria that have to be met when the commission is publishing a report: No. 1—is it Housing Trust—tick; No. 2—is it residential—yes; No. 3—is it separately occupied; No. 4—is it supplied by water; and, No. 5 should be—is the cost of that water shared? That is the bit that is missing.

I am happy for the government to take away this problem and fix it up between the houses, because there is a problem of equity here where people are obliged to pay for things they do not use, and it is a fairer system and I want the government to take this amendment between the houses and look at how it can be improved, because injustice is occurring out there and I do not think the government has done enough to address it to date. We will support the amendment.

New clause inserted.

Clauses 97 to 110 passed.

New clause 110A.

The Hon. M. PARNELL: I move:

Page 77, after line 5—Insert:

110A—Protection of tenants and lessees of residential premises

(1) This section applies in relation to a tenant or lessee occupying residential premises.

(2) A water industry entity must not, in relation to a tenant or lessee who is a consumer—

(a) take action to recover from the tenant or lessee any amount for which the landlord or lessor is legally liable; or

(b) take action to recover from a tenant or lessee any amount on account of any default on the part of the landlord or the lessor; or

(c) take other action against the tenant or lessee on account of any default on the part of the landlord or lessor unless such action is reasonably justified in the circumstances and is in accordance with any relevant provision prescribed by the regulations or contained in a code or set of rules published by the Commission for the purposes of this section.

I spoke about this new clause in my second reading contribution and I will summarise it now. I think it has general support. It basically recognises that from the water company's point of view they have a customer, yet often the actual consumer is a different entity altogether, and that is a typical situation with a rental property. The difficulty is that, if there is a residential tenancy agreement where the tenant is obliged to pay for the water used and the tenant does the right thing and hands over that money to the landlord who then fails to pay the water bill—spends it on the pokies, drinks it at the pub or whatever—all of a sudden you have the tenant, the consumer of water, potentially facing disconnection or some other adverse consequence that is not their own fault.

This amendment says, basically, that a water industry entity should not be taking action against a tenant if the tenant has done the right thing and the fault lies with the landlord. The only time it would be appropriate is if the tenant is also at fault or to blame. This is again one of SACOSS's suggested amendments. It makes sense and it makes sure that innocent parties are not unreasonably disadvantaged when it is not their fault that a water bill might not have been paid.

The Hon. I.K. HUNTER: This amendment aims to protect tenants of residential properties. Under the proposed legislation water industry entities would not be entitled to recover landlord debts from tenants, as tenants are not customers. Disconnections will be governed by ESCOSA's water retail code, which will specify minimum requirements on this, amongst other issues. With these facts in mind the government is prepared to support this very sensible amendment.

The Hon. D.W. RIDGWAY: The opposition is happy to support the amendment.

The Hon. R.L. BROKENSHIRE: We will support the amendment. It was SACOSS' recommendation No. 5 and we are very pleased to support the amendment.

The Hon. A. BRESSINGTON: I also support the amendment.

The Hon. K.L. VINCENT: Supporting.

The Hon. J.A. DARLEY: I will support the amendment.

New clause inserted.

Clause 111 passed.

New clause 112.

The Hon. J.A. DARLEY: I move my amendment in an amended form:

Page 78, after line 17—Insert:

112—Review of Act

(1) The Minister must cause a review of the operation of this Act to be conducted as soon as practicable after the expiry of five years from its commencement.

(2) The results of the review must be embodied in a written report.

(3) The Minister must, within 6 sitting days after receiving the report under subsection (2), cause a copy of the report to be laid before both Houses of Parliament.

I have moved this amendment in an amended form; namely, by replacing 'three years' with 'five years' in subclause (1). The amendment in its amended form seeks to require a review of the operation of the act to be conducted as soon as practicable after five years from its commencement. As is normally the case with these sorts of provisions, the results of that review are to be embodied in a written report which the minister must table in parliament within six sitting days after receiving that report.

The objects of the bill are, among other things, to promote planning associated with the availability of water within the state in order to respond to demand within the community; to promote efficiency, competition and innovation in the water industry; to provide mechanisms for the transparent setting of prices; to provide for and enforce proper standards of reliability and quality in connection with the water industry; to protect the interests of consumers; and perhaps most importantly, to promote better water management in South Australia.

The bill proposes a number of substantial changes in order to ensure that these objectives are met. It is a significant reform for South Australia, particularly given that it seeks to establish a new framework relating to the assessment of one of our state's most precious resources—namely, water—including current and future demands on that resource. As such it is also imperative that the operation of the bill be subject to rigorous review and scrutiny.

As already alluded to, a key element of the bill is the introduction of independent regulation of the water industry by the Essential Services Commission of South Australia. I agree that there is a real need to ensure both a transparent means of setting service standards and prices and increased protection for consumers. I also agree that ESCOSA should undertake this role. However, I am concerned about the way that this has been addressed in the bill, especially given that ESCOSA will be required to comply with the requirements of any pricing order issued by the Treasurer when making a determination.

The pricing order can specify any policies or other matters the commission must have regard to when making a determination, various parameters, principles or factors that the commission must adopt in making a determination, as well as any other matter the Treasurer considers appropriate. It is these provisions of the bill that cause me the greatest concern and reinforce the need for a review. I think it is fair to say that the need for a review was generally agreed to during my briefing with the minister's office and departmental officials, subject of course to the issue of the time frame of that review.

If my memory serves me correctly, at that meeting it was suggested that a review would be better placed to take place after some eight or nine years from the commencement of the bill. That time frame is, in my opinion, certainly too long. I initially thought three years would provide ample opportunity in terms of assessing whether or not and, indeed, how effectively the objectives of the bill are being implemented.

Having said that, and in the spirit of cooperation, I understand the government is prepared to accept a review after five years, particularly in view of the fact that ESCOSA's first price determination is expected to be for a period from 1 July 2013 until 2016. I commend this amendment to the house.

The Hon. I.K. HUNTER: The Hon. Mr Darley has said it all really, so the government supports the amendment.

The Hon. D.W. RIDGWAY: I indicate the opposition is supporting the amendment.

New clause inserted.

Schedule 1 passed.

Schedule 2.

The Hon. I.K. HUNTER: I move:

Page 79, after line 12—Insert:

(2) Section 33(1)(d)(vii)—Delete 'The South Australian Water Corporation' and substitute:

a water industry entity under the Water Industry 2012 identified under the regulations.

The government has identified an additional consequential amendment required for the development act. This is technical in nature, and requires the South Australian Water Corporation to be replaced by 'water industry entity' in section 33(1)(d)(vii), identical to the amendment already proposed for section 33(1)(d)(iv).

The Hon. D.W. RIDGWAY: This is supported.

Amendment carried.

The Hon. D.W. RIDGWAY: I move:

Page 80, after line 11—Insert:

4A—Amendment of section 222—Permits for business purposes

Section 222—after subsection (5) insert:

(6) This section does not apply to any water/sewerage infrastructure established or used (or to be established or used) by or on behalf of a water industry entity under the *Water Industry Act 2011*.

(7) In this section—

water/sewerage infrastructure has the same meaning as in the *Water Industry Act 2011*.

I will use Salisbury council as an example: where you have a water entity that is providing customers with water and reticulated systems, it means that SA Water is exempt from paying rates and charges, so my understanding is that the government is likely to support this amendment. The minister is in two minds, but he has often been in two minds—and I am not sure whose mind he is in today—but I do hope he supports it. It is just, I think—

The Hon. S.G. Wade: It's common sense.

The Hon. D.W. RIDGWAY: It is a commonsense amendment that was perhaps overlooked in the original drafting, so I commend the amendment to the chamber.

The Hon. I.K. HUNTER: It is the government's understanding that, under section 222 of the Local Government Act, a public road can be used for business purposes only if authorised by a permit. The scope of section 222 is understood to relate to the likes of pie carts, cafes and kiosks, not the installation of essential infrastructure.

This follows on from the purpose of the section, as well as from the fact that the Local Government Act deals separately with authorisations for the installation of pipes and other objects under section 221, though in such a case any requirement to seek authorisation under section 221 would be overridden by clause 44 of the Water Industry Bill. Nevertheless, in the interest of business certainty, to the extent there is any ambiguity about section 222, the government is prepared to put the issue beyond doubt and therefore supports the amendment.

The Hon. M. PARNELL: The Greens will be supporting the amendment, but we are not sure we support the honourable minister's assertion that pie carts are not essential public infrastructure.

Honourable members: Hear, hear!

Amendment carried; schedule as amended passed.

Title passed.

Bill reported with amendment.

Bill recommitted.

Clause 4—reconsidered.

The Hon. D.W. RIDGWAY: I move:

Page 9, after line 25—Insert:

River Murray has the same meaning as in the River Murray Act 2003;

I have been made aware that my amendment to clause 4, which was my first amendment, was initially proposed in relation to supplying the River Murray water access through the pipes. Of course, that was defeated because it was not supported. Now, with the River Murray levy being

taken off customers that are not connected to the River Murray, parliamentary counsel advises me that we need to support this amendment. It is, if you like, consequential.

The Hon. I.K. HUNTER: The government supports this.

Amendment carried; clause as amended passed.

Bill reported with amendment.

The Hon. I.K. HUNTER (Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (17:55): I move:

That this bill be now read a third time.

Bill read a third time and passed.

[Sitting suspended from 17:57 to 19:46]

CRIMINAL LAW (SENTENCING) (SENTENCING CONSIDERATIONS) AMENDMENT BILL

In committee.

Clause 1.

The Hon. S.G. WADE: This bill was last considered by the council in September last year. When I last spoke on this bill on 29 September, I highlighted:

...this bill is not about doing justice; it is about managing justice. It is about trying to ease the pressure on an overstretched and under-resourced system.

I am even more convinced of that fact now, but now I am convinced that, worse than that, this bill devalues and denies justice. The bill not only codifies sentence discounts, it increases them across the board. Defendants will be sentenced for shorter sentences than their crime deserves. The government brags about increasing maximum terms of imprisonment. They complain that courts are not tough enough, then they turn around and discount the sentences anyway.

This bill is not about justice; it is about a lazy way to deal with 10 years of Labor mismanagement. The courts are clogged. Some people are literally waiting years to have their cases heard. Our prisons are 30 per cent overcrowded. The government introduced this bill to let criminals out early if they help unclog the courts by pleading guilty early.

Criminals will be able to serve less time than their crime deserves and less time than the community expects. On a 10-year sentence, under the government's proposal an offender would be out eight months earlier than they would before this bill. Increased across the board discounts send the wrong message on crime. Many in the community are already concerned that sentences are too short. It will undermine public confidence in the sentencing process.

Increased general discounts also undermine rehabilitation. Given the length of rehabilitation programs, shorter sentences will mean that fewer offenders will access them, fewer offenders will be subject to parole and, therefore, given the incentive to engage in rehabilitation programs. Further, increased general discounts provide a general incentive for innocent people to plead guilty just to finalise the process.

One of the most objectionable elements of the original bill was the fact that the government was insisting on maintaining a no-discount period. That was insulting to witnesses and victims who might otherwise avoid the emotional trauma of reliving the experience in court. The government had foreshadowed its intention to introduce amendments to rectify that problem. I notice that it has not done so; there are no amendments on file; and I express the Liberal Party's ongoing concern about the maintenance of the no-discount period in the legislation.

So that the government cannot be confused about the extent of our concern about this bill, I want to highlight some of the other flaws by recounting the observations of my honourable colleagues in previous debates. The Hon. Dennis Hood, on behalf of Family First, highlighted the impact on the poor who are reliant on legal aid. Low-income defendants who are reliant on legal aid must often wait weeks or even months, he reminded us, before having a lawyer assigned to them, and under this bill they would face the potential of higher penalties. That is unfair. I think it is disgraceful that the Labor Party, which claims to stand up for working-class South Australians,

could be so unfair to the poor. Even the government's foreshadowed amendments did not address that flaw.

The Hon. Kelly Vincent, on behalf of Dignity for Disability, expressed her horror with the undermining of defendants' rights. She observed that under the bill lawyers will have no choice but to advise an early guilty plea even when there is not necessarily enough information available for them to know the details of the prosecution's case. The bill will result in injustice for defendants and victims. Further, she expressed concern at how the bill obliterates the flexibility needed for defendants with disabilities. The government's foreshadowed amendments do not address these flaws.

The Hon. Mark Parnell, on behalf of the Greens, questioned whether the common law should be codified at all. He makes the point that under our law everyone is presumed to be innocent until they are proved beyond a reasonable doubt to be guilty. The accused person has the right to put the prosecution to its proof and to challenge that evidence in court. He made the point that an accused person should not be unreasonably pressured into pleading guilty within an arbitrary time frame in order to potentially qualify for a sentencing discount, especially when the evidence is unknown or unclear or, in the worst-case situation, they are, in fact, innocent.

The Hon. Mr Parnell asked whether sentencing discounts are the right tools for what is essentially a case management problem. Even the government's foreshadowed amendments do not address these flaws. The Hon. Ann Bressington noted that:

> ...we are not improving the law here...the law works in this area perfectly well as it stands. We have a backlog in our justice system, but that is more about a resourcing issue than it is about whether or not people get discounts on their sentences for an early guilty plea.

Again, the government's foreshadowed amendments which have not been filed do not address this situation. Another aspect of this bill is the proposal for a 100 per cent discount where the defendant can provide information in relation to serious and organised crime. The Attorney has brashly referred to these discounts as 'Get out of jail free' cards. To quote his comments in the House of Assembly on 14 February:

> ...if you are dopey enough to get involved in this stuff, you still have a 'Get out of jail free' card...You still have that card if you 'fess up and you start telling people who can then prosecute other people. It adds to the incentive. For those people who want to stay out of gaol, the incentive is, do not do it. If you get caught, the incentive is you cough up and explain what is going on and you are not going to be touched by [assets confiscation] either.

The opposition's view is that handing out 'Get out of gaol free' cards may free up the courts and the prisons but it is no way to fight crime and it is no way to deliver justice. The government is eager to do deals which trade with justice. Under current law, criminals can already get discounts for cooperation of up to 40 per cent. Making them uncapped, giving a 100 per cent discount, is taking us into uncharted waters and may act, in fact, as an incentive to crime.

One of the ironies of this legislation is that on the one hand the government is removing the differential discount available to informants involved in ordinary crimes and they want to more than double the discounts for South Australia's most infamous, serious and organised criminals. My concern is that abolishing sentences for serious criminals may well open Pandora's box. It is an untested gamble.

Criminals are risk takers. This law would encourage criminals to get involved in serious and organised crime so that they qualify for a 'get out of gaol free' card. Our most serious criminals will be encouraged to go for broke in their prosecution negotiations, fabricate stories and drive an all or nothing deal to try to walk free. Informants are notoriously unreliable. Serious criminals could lie their way out of gaol and not serve one day for their crimes.

Shifting from the current discount approach to offering 'get out of gaol free' cards, as this government proposes, fundamentally changes the dynamics. Having 'get out of gaol free' cards on the table will empower criminals—they can demand all or nothing. Trials will become about striking a deal rather than delivering justice. It is a high risk strategy to deal with crime, but what is certain is that it will ensure that those who do the crime will not do the time.

I remind the committee that the courts have long recognised the public benefit in encouraging informants. Serious criminals have been able to get up to a 40 per cent discount off their sentences. The courts have seen that as a fair balance with justice, but now the Weatherill government wants to throw caution to the wind and let informants escape punishment completely. Under this Labor government, criminals will do the crime but will not do the time.

In relation to the basic fundamentals of the legislation, early guilty plea bids and the treatment of informants, the opposition believes this legislation lacks merit in both realms and has decided that it will not be supporting it. The fact that the government has not followed through and filed its amendments indicates that it also believes this bill is beyond redemption.

The Hon. A. BRESSINGTON: I will be very brief. I echo the concerns of the Hon. Stephen Wade. I also express my concern about the so-called law and order agenda of the government. As the Hon. Stephen Wade said, this is not about law and order or justice, it is about an economical way to unclog the courts. I attended a four-day conference in Western Australia and heard about the number of wrongful convictions based on: one, a poor system; and, two, the damage that informants can do to a case by giving false evidence against a person who is a suspect and who then goes on to be convicted, and wrongfully so, and that is proven (on average) 19 years after those people have spent time in prison. The system fights all the way against acknowledging or even trying to assist in rectifying those wrongful convictions.

The bill before us, as the Hon. Stephen Wade said, literally turns our system upside down, and there is nothing to base it on. There is no proof, no evidence, to show that this approach is going to be more effective in putting the bad guys away and protecting the public. So, in light of all that—I think I made this perfectly clear in my second reading contribution—I will also be opposing the bill.

Clause passed.

Clauses 2 to 4 passed.

Progress reported; committee to sit again.

LIVESTOCK (MISCELLANEOUS) AMENDMENT BILL

In committee.

Clause 1.

The Hon. D.W. RIDGWAY: I am interested to know why the government has made some of these offences expiable rather than prosecuting people for a breach and, if you like, dealing with the issue through the court process. From what I understand of the bill, some of the offences have gone from a potential prosecution to just an expiation. I would like to know the government's rationale behind that.

The Hon. G.E. GAGO: I have been advised that we have included expiable offences as a means of increasing the options for compliance. Obviously, to be able to prosecute requires a particular level of evidence, a considerable amount of work collecting evidence and the evidence needs to be of a particular standard, etc. So, it is a higher bar, if you like, and is appropriate to use for more serious offences. However, for lesser offences, it is a quick and easy way to send out a very clear message about any breaches and, as I said, it improves our compliance options.

The Hon. D.W. RIDGWAY: Will it be an option for somebody who is presented with a set of circumstances where they may be given an expiation notice to say, 'Look, I do not want to accept the expiation notice. I would rather have this tested in court,' or will it be just a lesser offence a bit like a speeding offence: you have been caught; if you want to challenge it, we will see you in court?

The Hon. G.E. GAGO: I have been advised that, yes, it is like speeding fines. If you want to challenge it, you can opt to go to court.

The Hon. D.W. RIDGWAY: One of the issues that we have always had with speeding fines is that somebody will be fined for a road traffic offence, they will have an issue and they can complain to the police and the police will say, 'We'll see you in court.' One of the issues the opposition has always had is that there needs to be some halfway house, some ombudsman or somebody where you can go and say, 'I think I have been harshly done by.' Will there be any capacity here within this bill, once they have received an expiation notice, to go then to a mediator and say, 'I think I have been harshly done by. This is not fair,' or will it be automatically straight to court?

The Hon. G.E. GAGO: I have been advised no, that there is no additional level. It is a standard expiable offence. It is the same system that is in place for most expiable offences, and that is that you can opt for a fine and, if you want to challenge that, then you use the court processes, and due justice and process is done through the courts and a person is able to have

their day in court if they so choose. I have been advised that in this case a person who wants to challenge an expiable offence can choose to take it to the Chief Inspector of Stock and have the decision reviewed.

The Hon. D.W. RIDGWAY: That is encouraging because it is always useful rather than clogging up the courts if somebody feels like they have been harshly dealt with, if there is a halfway house to go to to have some discussion. Can the minister outline what types of lesser offences will attract an expiable fee?

The Hon. G.E. GAGO: I have been advised that under clause 15—Amendment of section 31—Supply of livestock or livestock products affected with notifiable condition, the detection of low-level footrot infection in sheep, as a first offence, is an example.

The Hon. D.W. RIDGWAY: Under clause 15—Amendment of section 31, that is a case not involving an exotic disease, which is $500.

The Hon. G.E. GAGO: First offence.

The Hon. D.W. RIDGWAY: What is a second offence?

The Hon. G.E. GAGO: I am advised that prosecution is the next level.

The Hon. D.W. RIDGWAY: What is the current penalty?

The Hon. G.E. GAGO: Prosecution only, I have been advised.

Clause passed.

Clauses 2 to 29 passed.

Progress reported; committee to sit again.

TOBACCO PRODUCTS REGULATION (FURTHER RESTRICTIONS) AMENDMENT BILL

In committee.

Clause 1.

The Hon. T.A. FRANKS: Can the minister clarify whether or not this bill will be able to be applied to beaches?

The Hon. R.P. WORTLEY: No, it is not our intention to apply it to beaches.

The Hon. T.A. FRANKS: Can the minister clarify whether it is the government's intention that, when the bill is enacted, it will be able to be applied to beaches should somebody apply for a beach to be exempted?

The Hon. R.P. WORTLEY: Local government and incorporated bodies can apply to the minister for any area to be nonsmoking, but the minister of the day will have to take into consideration a number of factors, such as enforceability and other factors.

Clause passed.

Clauses 2 to 3 passed.

Clause 4.

The Hon. J.M.A. LENSINK: I move:

Page 3, line 16 [clause 4, inserted section 50(1)]—After 'equipment' insert:

during any period prescribed by the regulations for the purposes of this section.

What this amendment does is provide some narrowing of the scope of the bill in relation to playground equipment. We have no problem, in principle, with banning smoking within 10 metres of any prescribed children's playground. However, the example was given that, if somebody is walking past playground equipment at 10 o'clock at night, we do not see why the law should apply there. This amendment adds, after the word 'equipment' in subclause (1), the words 'during any period prescribed by the regulations for the purposes of this section', so that the government is able to prescribe those conditions. We think that would allow some flexibility in the application of the law.

The Hon. R.P. WORTLEY: The opposition proposes amending section 50 to set by regulation the period that playgrounds are smoke free. The government does not support this

amendment. The amendment may create public confusion. The smoke-free area will apply inconsistently across a day, which will make it more difficult to enforce. The bill intends to set a self-regulating community norm. It carries a message that playgrounds are children's places and that it is inappropriate to smoke there or, in fact, around children at all. Easily understood and consistent legislation is important to achieving this outcome.

Time-specific bans are likely to require signage to ensure that the community are aware of when they can and cannot smoke. Providing signage at every playground would be expensive, and it is not being supported by the Local Government Association. Other interstate jurisdictions that have banned smoking in playgrounds have not introduced a time restriction.

The whole intention of this bill is to make it quite clear that playgrounds are areas for children. We do not want a situation where an adult can go there just after dark, at 7 o'clock, to sit in the playground smoking a cigarette. It is not the sort of environment we want. To cut away any ambiguity—

Members interjecting:

The Hon. R.P. WORTLEY: I do not see what is so funny about that. At the end of the day, it is a—

Members interjecting:

The Hon. R.P. WORTLEY: Yes. I think it is important not to have any ambiguity and to support the government's position. I oppose the amendment.

The Hon. J.M.A. LENSINK: Mr Chairman, I think that it might be in the government's best interests if the minister sticks to the script. I can only say that his comments are a whole lot of weasel words. I think that some flexibility is of merit, and I am sure that honourable members will make up their own minds about this particular amendment.

The Hon. D.G.E. HOOD: I will make just a brief contribution. We are inclined to support the amendment. If the government so chooses, it could easily say in regulation that the period would be from 12 midnight to 12am. I do not see that it provides any restriction that any government could not work with. For that reason, we will be inclined to support the amendment.

The Hon. T.A. FRANKS: The Greens will be opposing this amendment. In the example given of a playground, part of the damage that is done by cigarettes being near children's areas is actually the cigarette butts themselves. I have certainly seen children pick up cigarette butts in playgrounds and put them into their mouths, and I do not think that we want to encourage any confusion about whether or not that is appropriate in a playground.

The Hon. J.A. DARLEY: I will be opposing the amendment.

Amendment negatived.

The Hon. R.P. WORTLEY: I move:

Page 4—

Lines 2 to 18 [clause 4, inserted section 51(1) and (2)]—Delete subsections (1) and (2) and substitute:

(1) The Minister may, by notice in the Gazette, declare that smoking is banned in the public area or areas, and during the period (being a period not exceeding 3 days), specified in the notice.

(2) A notice under subsection (1)—

(a) may be of general application or vary in its application in respect of each public area to which it applies; and

(b) may exempt specified areas, specified circumstances or specified times from the operation of the subsection (4); and

(c) may be conditional or unconditional.

The government is proposing an amendment to the bill that will allow smoke-free areas to be declared by regulation while retaining the minister's power to declare a smoke-free area for a period no longer than three days by notice in the *Gazette*. During debate on the Tobacco Products Regulation (Further Restrictions) Amendment Bill 2011 in the House of Assembly the government agreed to consider between the houses an amendment filed by the opposition.

The opposition suggested an amendment to proposed section 51 changing the mechanism to declare a smoke-free area from a ministerial notice in the Gazette to a regulation. The government considers that declaring smoke-free areas by regulation is a reasonable process for major long-term smoke-free areas, such as an outdoor shopping precinct. However, the government should have the power to respond in a timely way to a request for a smoke-free area for minor events, such as a football carnival, a community fete or an arts festival.

To achieve this the government's proposal amends section 51 retaining the minister's power to declare a smoke-free zone by notice in the *Gazette* but limiting it to a period of no longer than three days, and to create section 52, which allows a smoke-free area to be established by regulation. In most circumstances it will be impractical to declare an event smoke free without several months' notice due to the cabinet and parliamentary processes that are required. This will deter small community events from requesting a smoke-free declaration.

It is unlikely that these events will be able to request the declaration through regulation with sufficient lead-in time. However, enabling an area to be declared for up to three days by ministerial notice in the *Gazette* will ensure timely responses to these time-limited small community requests without unnecessary administrative burden. A ministerial notice is a responsive, fast and flexible mechanism for responding to local issues.

The proposed administrative system will require applicants to meet a set of conditions before a notice is issued. However, once the minister or his or her delegate has decided to issue the notice it can be enforced within days. The day that the notice comes into effect is limited only by the closing date for the next *Gazette*. This allows it to be used effectively to support communities responding to local problems with local solutions.

The Hon. J.M.A. LENSINK: The opposition will support the amendment because it was actually ours that has been slightly rebadged under the government. I am pleased to see they have come to their senses and will be promoting it.

Amendment carried.

The Hon. R.P. WORTLEY: I move:

Page 4, after line 32—Insert:

52—Smoking banned in certain public areas—longer term bans

(1) The Governor may, by regulation, declare that smoking is banned in the public areas specified in the regulations for the purposes of this section.

(2) A person who smokes in a public area declared by the regulations to be a public area in which smoking is banned is guilty of an offence.

Maximum penalty: $200.

Expiation fee: $75.

(3) The regulations under subsection (1)—

(a) may be of general application or vary in their application according to prescribed factors; and

(b) may provide that a matter or thing in respect of which regulations may be made is to be determined according to the discretion of the Minister or other specified person or body; and

(c) may exempt specified areas, specified circumstances or specified times from the operation of subsection (2); and

(d) may be conditional or unconditional.

(4) If smoking is banned in a public area pursuant to this section, signs setting out the effect of this section and the regulation must be erected in such numbers and in positions of such prominence that the signs are likely to be seen by persons within the public area (however, validity of a prosecution is not affected by non-compliance or insufficient compliance with this subsection).

Amendment carried; clause as amended passed.

Remaining clause (5) and title passed.

Bill reported with amendment.

The Hon. R.P. WORTLEY (Minister for Industrial Relations, Minister for State/Local Government Relations) (20:27): I move:

That this bill be now read a third time.

Bill read a third time and passed.

ZERO WASTE SA (MISCELLANEOUS) AMENDMENT BILL

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

BUSINESS NAMES (COMMONWEALTH POWERS) BILL

Returned from the House of Assembly without amendment.

BUSINESS NAMES REGISTRATION (TRANSITIONAL ARRANGEMENTS) BILL

Returned from the House of Assembly without amendment.

SUMMARY OFFENCES (WEAPONS) AMENDMENT BILL

The House of Assembly requested that a conference be granted to it in respect of certain amendments to the bill. In the event of a conference being agreed to, the House of Assembly would be represented by five managers.

At 20:31 the council adjourned until Wednesday 14 March 2012 at 14:15.