LEGISLATIVE COUNCIL

Wednesday 28 March 2012

The PRESIDENT (Hon. R.K. Sneath) took the chair at 11:03 and read prayers.

SUMMARY OFFENCES (WEAPONS) AMENDMENT BILL

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for Tourism, Minister for the Status of Women) (11:04): I move:

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

Motion carried.

SITTINGS AND BUSINESS

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for Tourism, Minister for the Status of Women) (11:04): I move:

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

Motion carried.

STATUTES AMENDMENT (SHOP TRADING AND HOLIDAYS) BILL

In committee.

Clause 1.

The Hon. J.M.A. LENSINK: I rise to make some fairly specific remarks in relation to this clause, which I must say I find one of the most invidious ways of finding a solution to a problem that I have seen in my nearly nine years in parliament. It has been a flippant approach to what is a specific problem within the Rundle Mall, which could have quite easily been solved had the government had the good sense to adopt the policy as proposed by the member for Adelaide, Rachel Sanderson, who was on to this very early in her term and, indeed, prior to that, as the candidate for Adelaide; that is, that this could have happened if that area had been designated as a tourist precinct. Why we need to have every business in South Australia captured by this in order to satisfy the shoppies union is beyond most businesses.

We are the highest taxed state in South Australia, and this just adds another prong to what already makes South Australia incredibly uncompetitive for anybody who is looking to invest capital in this state. They will certainly be looking to other jurisdictions, which bend over backwards to try to attract investment, rather than in this state, which just keeps thinking that people who have capital, people who employ people, can continue to have imposts put on them without any effect on jobs. I will be speaking to a motion later in relation to young people leaving this state. I think this parliament is doing a very grave disservice to the young people of South Australia because it will just be another thing that will remove opportunities for young people to continue to be employed in this state.

Those are some general comments. I would also like to talk about the aged-care sector, which is one I am very familiar with; I worked with one of the peak bodies, the Aged Care Association of SA, as it is now known. We have also received representations from the larger group, which is Aged and Community Services SA & NT. It has provided us with some specific examples. I understand that it would have provided them to all members, and I think it is worth raising them in this parliament.

Aged care is quite unique in a unique and difficult situation because it cannot cut services on Christmas Eve and New Year's Eve. It is regulated by the federal government. It is required to fulfil obligations through the Aged Care Standards and Accreditation Agency. Therefore, by law and by regulation, it is unable to do what the government flippantly thinks most businesses will be able to do. They cannot close their doors—they operate 24/7, 52 weeks of the year—nor can they raise revenue because their fees are capped. There is a very specific fee per level of care per person within those facilities, so they are stuck with this deal.

I heard some remarks by the Hon. Mr Darley last night in relation to some sewerage charges but I would be interested to know specifically how those equate. Boandik Lodge in the South-East with 224 bed facilities says that this lovely little deal is going to cost it another $11,000. So, my question for the government is: can the government give us specific dollar figures for those? The Aged Care Association says that for the average 100 bed facility the additional cost per 100 beds is $2,500, and that does not include all on costs, I might add.

When you add those into it, that is a great deal more. I would ask what form of compensation the government is providing and how it is calculating it—whether it is doing it on a per bed facility or whether it is doing it on their entire rateable land? I would suggest that the government needs to consult directly with aged care facilities. They provided them with some land tax relief several years ago, but this deal is going to disadvantage aged care in South Australia compared to other states.

We have also had representation from the supported residential facility sector which does not receive any funding at all. Bellara Village at Campbelltown is regulated under the Supported Residential Facilities Act and they, too, are unable to recoup their costs, so we would ask how the government is intending to address that particular sector.

Other sectors I think bear mentioning because these can be some of their peak times—Christmas Eve and New Year's Eve. They can be difficult times for families. From the point of view of the women's shelters, family shelters and the youth shelters, I ask whether the government has any intention of providing additional funding to those sectors as they have for the disability services workers so that those organisations are not disadvantaged as they will be captured whether they be in the Riverland, Ceduna or in the South-East. Every single operation that has paid employees is going to be captured by this phoney deal. With those comments, I look forward to the further committee stage of this debate.

I should have also mentioned—and this is my last point I would like to make—that when Premier Weatherill was minister for aging, he attended a forum in a community cabinet in Gawler. He made a commitment to the aged care sector there. He was asked quite specifically about the issue of aged care funding. Aged care funding is an invidious issue. I think aged care is probably one of the most regulated sectors in Australia and indeed the state. It has so much scrutiny of every aspect of its operations for good reason but it also means that it can be an extremely complex area to manage.

It is currently under review with the Productivity Commission because there are concerns in relation to the viability of the aged care sector, so there may be some significant changes to their funding. It is unlikely—given that the Rudd and Gillard governments have completely blown the bank, as Labor governments are wont to do—that there is going to be any additional funding, but so be it. Premier Weatherill (as he is now) made a commitment in 2004:

> Make no mistake, as Minister for Aging I will be reminding the PM of his responsibility for aged care. He is not going to cost shift onto the State Government.

His government is seeking to potentially cost shift to the federal government, so I would like to specifically know what commitment then minister Weatherill (now the Premier) had made then that he has followed through or if he actually resiles from those comments that he made seven years ago directly to the aged care sector.

The CHAIR: I was very tolerant, I must say. A lot of that had not very much to do with clause 1. The Hon. Mr Stephens, see if you can improve on that.

The Hon. T.J. STEPHENS: I have some comments to make on clause 1. Firstly, can I just say how disappointed I am, not so much with the government because I would not expect anything less than the way they have pulled this on, but with my crossbench colleagues for basically guillotining our opportunity to make second reading contributions. It is almost unprecedented. Last night I was actually in shock. Given that the indication this week was that this bill had to be passed by the end of the week and our commitment was to fall into line with that, to have my crossbench colleagues deny me the right of a proper second reading contribution is something that I will remember for some period of time. For the life of me, I do not understand why you would taint yourself with that sort of behaviour. It is not Legislative Council like.

My comments and questions are: a number of my colleagues make great play out of being concerned about taxation rates in this state, and rightly so, and yet with one foul swoop are quite prepared to add millions to the expenditure of this government with, I think, very little consideration.

What makes me even angrier is how, with one foul swoop, industries that are at risk, and I believe are still at risk, have also had extra costs and imposts imposed upon them. Members would not be surprised to know that I still take a very keen interest in the city of Whyalla and the company OneSteel, which drives Whyalla.

The federal government, on the one hand, has imposed a ridiculous carbon tax, and on the other hand, thank God, has seen fit to provide a training grant (not a subsidy) of almost $60 million to that particular company, I believe to keep it in the game of making steel. That is incredibly important to the city of Whyalla and, I think, incredibly important to Australia, because I cannot imagine this great country not having a steelmaking capability. I cannot believe that any government of any persuasion would allow this country not to have a steelmaking capability.

So, with one foul swoop we have decided that we are going to add an extra cost to the steelmaking industry in Whyalla. Yes, congratulations to the steelworkers who are going to get penalty rates for Christmas Eve and New Year's Eve. I believe Whyalla people understand how important it is to have that steelmaking facility continue. Yes, there is much play and talk about the mining industry out of Whyalla, which has been welcome, but the big employer is the steelmaking industry. One of my questions to the minister will be: what cost has just been lumped upon OneSteel in Whyalla? How will that ensure that the steelmaking industry in Whyalla will continue? How does that ensure that we continue to have steelmaking capability in Australia? I am very concerned about OneSteel in Whyalla.

My colleague, the Hon. Michelle Lensink, has already touched on the aged care industry, so I will not continue with that, but I think it has been a disgraceful decision to impose extra costs on an industry that supposedly we all care about, the care of our aged. The current Premier and the federal government have recently assisted Holden with a handout to keep them in South Australia and Australia. So, on the one hand we recognise the vulnerability of the car industry and on the other hand we decide: 'Let's just add costs to that industry.' Congratulations. 'Let's have another 10 hours of penalty rates.' That is because we are so driven with commercial thinking in this parliament. Congratulations.

I was on the West Coast, on Eyre Peninsula, last week and I talked to a number of people about the impacts of marine parks, about the propositions that have been put, about how it actually affects them, and I inspected sites that have been talked about. I spoke to a number of country hoteliers who cannot believe that this parliament could, in what are difficult times, pass further imposts upon their businesses.

I was in Streaky Bay talking to a publican there, who is dramatically considering what he is going to do with regard to his business on Christmas Eve and New Year's Eve. It is a one-hotel town, and it is a fantastic community; they do not have the option, if he decides to close his business, to go round the corner or down the street or meet their friends at another facility, because there isn't one. Given his past patronage on those nights—certainly on Christmas Eve—he is considering how he can make the business function on that particular evening without losing quite a bit of money. So he passes on his thanks—not—to those of you who decided that this is a wonderful piece of legislation.

We have missed the point in this parliament. We are in difficult economic times; business is doing it tough. I guess this piece of legislation separates the Labor Party and its cohorts and the Liberal Party, which understands that someone has to pay. Socialists are fantastic at spending other people's money. Good on you. Eventually that runs out, and then conservatives come and have to find a way to make the books balance. That will be our job at some stage; we will have to come in and pick up the mess.

So for those of you who are traditional socialists: congratulations, it looks like you are going to have a win on this. For those of us who understand that it is business that drives economies, that economies look after those who cannot look after themselves, that strong economies are really important, I am just mystified as to how those on the government benches and those who are supporting them think we are going to pay.

I can probably have a guess; it will be more taxes, a higher taxation regime. To those industries that are at risk, to those hoteliers and restaurants who are struggling, I hope they will remember those who have taken these actions to make their lives even more difficult.

The Hon. R.I. LUCAS: I concur with the comments made by the Hon. Mr Stephens in relation to the process of this bill. The first day of debate in this chamber was yesterday, and the normal procedure is that members are entitled to a reasonable chance of making a second reading

contribution. The government of the day, together with the support of some crossbench members, took that right away from some members of this chamber, to speak at the second reading.

That is fine, the government has made that particular decision; but what goes around comes around. Let it be on the record that a number of people in this chamber took the view that when it suits them they will prevent other members in the chamber from being able to speak at a second reading. It is not as if this bill had been delayed for weeks on end with people refusing to speak; this was the first day this bill had been in the chamber, and members were refused the right to speak today on the issue.

The numbers are the numbers Mr Chairman, as I am sure you would recognise being an old AWU man from way back. It does not matter where the numbers come from, above the ground or below the ground it does not really matter. On this occasion the numbers are there, but what goes around comes around. There will be an occasion when members may seek the support of Liberal members to follow the normal practice and conventions this chamber in terms of debate, and it may be that Liberal members adopt the particular position that the government has adopted on this occasion.

The second point I make, Mr Chairman, is that the government sends a priority listing to members each week, and that priority listing of legislation—albeit, it is subject to change; we have been told for weeks that the work health and safety bill is a critical issue for the government and had to be debated and, for some reason, it is now not even being brought on for debate. In relation to this particular bill (shop trading), we were told that, from the government's viewpoint, they wanted the bill through by Thursday of this week.

On most occasions, that is something that is supported by the majority of members of this chamber. On some occasions, such as with the work health and safety bill of last year, it is opposed by a majority of members in this chamber; it was ultimately a decision for the Legislative Council in relation to the government's intention. But, to the extent that it is possible, most members in this chamber give some weight to the government's wishes.

The government's wishes on this bill were not to jam it through on the Tuesday—at least, that is not the position that we were advised—nor to jam it through on Wednesday morning; it was that the bill be processed by Thursday afternoon. Certainly, from our viewpoint, we are not supportive of the notion that this particular issue should be jammed through on Wednesday morning.

As I outlined yesterday—and I am not making any criticism of the Hon. Mr Brokenshire, who is having his amendments drafted by parliamentary counsel—we did not receive the precise amendments from the Hon. Mr Brokenshire until Monday afternoon, which did not give us time to consider the detail of his amendments at our party meeting on Monday. As was the position we put forward yesterday, we believe that the debate on this bill could be deferred until next week; it would not cause any grief at all, because the government has the power—as it has already done in relation to three public holidays this year—to issue exemptions.

The reality is that the government is really just playing games in relation to the Easter issue, because it can do what it wants to do, in the full knowledge that—whether it is this week or next week—it believes it has the numbers to put this bill through. Let us put aside the furphy that, in some way, this is critical for Easter trading in 10 days' time; the government knows it has that power on this issue.

So, Mr Chairman, I think it is one thing if, ultimately, the majority of members in this chamber choose to ignore the request from the Liberal Party to consider the Hon. Mr Brokenshire's amendments next Monday at its party meeting. One could at least understand this position; that is, the government advised them that they want this bill through by Thursday, and they may well say to the Liberal Party and others, 'Look, we are going to vote to make sure this is voted on by Thursday of this week. You won't have the opportunity to consider the Hon. Mr Brokenshire's amendments at your party meeting next Monday.' I would not agree with that, but at least I would understand that particular position.

Mr Chairman, I am strongly opposing this chamber being forced to vote on these particular amendments and issues this morning, and to be forced into a position to vote for or against a number of the Hon. Mr Brokenshire's detailed amendments 36 hours or so after we have had the opportunity to consider them. In my second reading contribution, I briefly raised some issues which we had received from some stakeholders yesterday (within 24 hours), and I received an email from

the Hon. Mr Brokenshire's office indicating that he might not be moving ahead with some parts of his amendments.

That is fine, but, again, this is a moveable feast; I am not sure whether other members are aware of that, and I am not aware of which specific amendments will not be moved ahead. As I said, there are a couple of issues which have already been raised by stakeholders, but the reality is that we have only had two stakeholders come back to us, out of the dozens to whom we sent the amendments, given that, as I said, it has only been 36 hours.

The position which I am putting to the committee is that our preference is obviously to have this delayed until the Party room can consider the amendment next Monday, and we can then process the bill on the Tuesday. If that is not going to be the case, then my proposition to the committee is that we be forced to a vote tomorrow; we will not be in a position to vote on the Hon. Mr Brokenshire's amendments, but we can at least raise some questions in relation to those issues, and also consider some of the responses the minister gave last night in reply to the questions I asked in my second reading contribution.

Our early advice is that there is very strong opposition to some significant errors and inaccuracies in the advice the minister gave to the chamber last night, and we are waiting for some detailed advice in relation to some of the claims the minister made last evening. There is a whole series of other questions which remains unanswered in relation to this particular issue and the questions we raised at the second reading. We will, if required, use the Legislative Council standing orders to ensure that the minister will continue to be asked questions about those particular issues that he has thus far not addressed in the response to the second reading. So, I am intending to move that progress be reported this morning at clause 1.

The CHAIR: The Hon. Mr Lucas has made a second second reading speech. I think the Chair has been very fair to allow the Hon. Ms Lensink and the Hon. Mr Stephens to make their second reading contributions to clause 1. The Hon. Mr Lucas has got up and made another second reading speech. The Hon. Mr Brokenshire's amendments do not come into play until clause 6, so I ask the Hon. Mr Lucas to move his amendment. If he is only concerned about the amendments of the Hon. Mr Brokenshire, he might consider trying to convince the committee to have progress reported when we get to clause 6. He might not be able to convince it, but that is when he should make that effort. So, he might want to first of all move his amendment to clause 1.

The Hon. R.I. LUCAS: I do not intend to move my amendment to clause 1. I acknowledge your advice, but it is just that—advice—and it does not dictate what occurs in the committee stage of the debate. The standing orders of this council dictate what occurs in relation to this particular debate. In response to what the Chair has just said, the amendments proposed to be moved by the Hon. Mr Brokenshire do have an impact on other parts of the bill. They do not just relate to the particular issues that are going to be affected by his specific amendments.

I am intending to move to report progress. I understand that the Hon. Mr Brokenshire and maybe others want to address this issue of clause 1. As soon as I move to report progress, that cuts off debate, so I acknowledge that I will not move to report progress on clause 1 at this stage, but I am flagging that I am intending to move to report progress on clause 1, not on clause 6, much as you would prefer that, Mr Chairman.

The Hon. R.L. BROKENSHIRE: Regarding clause 1, as a point of clarification before asking the minister a question, and following on from the Hon. Rob Lucas, Family First does have some concerns over procedure for a start. We made a commitment to the government that we would ensure that, if our two votes were needed, we would support the government starting this debate yesterday, which we have honoured, as has the whole chamber. That is by itself not usual practice. In fact, it is supposed to sit for two weeks before any debate occurs. However, in the best interest of giving the government the best opportunity possible, we agreed to that.

I note that the Hon. Ann Bressington may be unwell again today, and when members are unwell they are not expected to be, nor should they be expected to be, even in this chamber. Whilst we have seen a totally undemocratic process thus far on the processes, procedures and the democracy of the Westminster system with this bill—and there is no doubt about that; government members can shake their head—what has happened here is bad for democracy; notwithstanding that, there are amendments.

We were only told on Wednesday or Thursday of last week that a deal had finally been done. In fairness to parliamentary counsel, parliamentary counsel has a fairly big workload, and I acknowledge that workload. We had to consider, with the bill being done, what amendments we

could bring into this house to offer other opportunities to the sectors that are affected positively or negatively by this bill. Then, the time for you to consider that, get parliamentary counsel to deliberate and properly and professionally draft those amendments and get them out to your colleagues actually takes a little while. This deal, done behind closed doors between two people, took somewhere between nine and 18 months, depending on who you talk to, yet we are expected to rubber stamp this.

I support what the Hon. Rob Lucas is saying, if required, on clause 1. I would like to hear from the government, obviously, but I would like to spend some time talking to my colleagues on the crossbenches, and the opposition, to see where they may or may not support the amendments that I have put up. I am only asking for a 24-hour period. I ask the minister: does the minister want to effectively guillotine debate on this bill altogether, or is the minister prepared to allow the democracy of the Westminster system to proceed whereby we can have 24 hours to at least establish whether there are enough numbers on the crossbenches and then go to the opposition to find out whether there are enough numbers in this house to spend time debating and putting forward a voting procedure on the amendments?

At the moment, there is no time even to go to crossbench members and discuss the clauses. This is unprecedented in my years in the parliament. We are the only check and balance in this place, otherwise we would have an Anna Bligh situation, for sure, with a dictatorship in the lower house. From a procedural point of view on clause 1, firstly: minister, are you prepared to allow proper democratic process in this parliament and, if so, will you agree after clause 1 to allow us to have enough time to deliberate with colleagues on what are important amendments for workers, employers and, in fact, for the whole economy and the social issues around this matter with respect to the whole state? Are you prepared to allow that democratic process, minister?

The Hon. R.P. WORTLEY: I would like to go through a number of the issues raised by the honourable members in clause 1. The Hon. Ms Lensink raised a few issues about aged care, NGOs and also women's shelters. Our analysis of the impact on the aged-care industry is that the impacts will be modest. Their rostering tends to see fewer staff working by about 7pm so, for a home with an annual payroll of about $2.5 million, we calculate the additional cost in the order of $1,300 per year.

In addition, the government will consider the application of exemptions regarding some charges attaching to land, and my advice is that when the Valuer-General is valuing aged-care homes he does that in accordance with the number of beds. This will be considered in the light of any changes to aged-care funding as a result of the industry's approaches to the federal government. The Premier made it clear that this consideration would be made separately from the legislation and there is no guarantee about the outcome.

In relation to state-funded non-government organisations, we have made a commitment to adjust funding arrangements to compensate for the additional costs of those services operating on the nights of Christmas Eve and New Year's Eve. One of the advantages of moving to 7 o'clock as the start of a public holiday is that it enables us to fund the additional costs of those state-funded NGOs delivering disability and other community services on those nights.

With regard to women's shelters, there has been no contact with me or my department by any women's shelter or organisation representing women's shelters expressing concern about the impact that these part public holidays will have. I think there can be a game played where organisations who seem to have no objections to this are brought into the debate, expecting an answer from me. I am not going to enter into debate where there is no—

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

The Hon. R.P. WORTLEY: Did you call me a dickhead?

The Hon. J.M.A. Lensink: I called you a genius.

The Hon. R.P. WORTLEY: Are you sure?

The Hon. J.M.A. Lensink: I'm quite sure.

The Hon. R.P. WORTLEY: Because you do have a tendency of loose-lipping sometimes. So, Mr President, I will not be drawn into hypothetical situations at the whim of the opposition. Mr Stephens brought up OneSteel. OneSteel has been the recipient of tens of millions of dollars in subsidies. I must say that it staggers me now that the whole steel industry is going to fold because

of 10 hours a year in public holidays. I do not even think it warrants a response, so I will move on to the next issue.

The Hon. R.L. Brokenshire: You might have to respond, because we might have some supplementaries on that sort of answer because that's a pathetic, weak answer.

The CHAIR: The Hon. Mr Brokenshire had a fair go.

The Hon. R.L. Brokenshire: Well, I've got a lot more fair go. I've got 15 questions on clause 1 yet.

The CHAIR: Well, you might ask them when you're on your feet, and stop interjecting.

The Hon. R.P. WORTLEY: In relation to second reading speeches, I will make it clear from the word go that it is the right of this committee to debate every clause in this bill and every amendment that comes into it. Of course, we will honour that; we want as much debate as we can get. In regard to going into committee yesterday, the *Notice Paper* was quite clear that there would be a number of speakers and then we would go into committee. So, we did what we had made quite clear we would do in the first place.

It then arose that the Hon. Ms Lensink (I understood that it was the Hon. Mr Dawkins) wanted to make a second reading speech. Well, they have made their second reading speech. There has been no attempt to guillotine any debate in this chamber. The only attempt at a guillotine will come in a minute when the Hon. Mr Lucas tries to stall the debate on this very important issue.

We are not attempting to jam this through parliament. We will debate this bill this morning and we will debate it tonight—we will sit as late as we need to tonight—and we will debate it tomorrow morning at 10 o'clock. So, you will have all the chances in the world to debate this. So, let's get away from this game that is being played that we are trying to jam it through parliament. We will give it the debate that would be rightly expected in this chamber, bearing in mind that a lot of the debate has already occurred in the extensive debate in the lower house. Many of the answers have probably already been given to questions that will be asked today, but we will seek to answer all legitimate questions that come up through this debate.

In regard to proclaiming public holidays and exemptions, we do not think it is appropriate, when we are looking at such important changes being made in South Australia, that they be done by proclamation. We have done it in the past, but we do not intend to do it in the future. There will be plenty of debate in this chamber in regard to this bill. It is the intention of the government to have this bill passed and returned to the lower house by tomorrow morning. That way, it will give us plenty of time to make the appropriate arrangements for Easter Sunday and Monday.

In regard to the Hon. Ms Bressington's not being here, we do not hold up important bills because a member is sick. I must say that my sympathies go out to the Hon. Ms Bressington; I hope she gets well quickly. But in saying that, I indicate that Ms Bressington is entitled to a pair. So, there is no issue in regard to the Hon. Ms Bressington. In regard to the amendments, it is not unknown for the Hon. Mr Brokenshire to bring in amendments to hold up bills. The only change that took place from the debate in the lower house—

The Hon. R.L. BROKENSHIRE: Point of order, Sir. I ask the minister to withdraw that. He said that it is not unusual for me to try to hold up bills by bringing in amendments. That is untrue, and I ask for it to be withdrawn. I have a right to bring in amendments.

The CHAIR: Order!

The Hon. R.L. BROKENSHIRE: He is out of order.

The CHAIR: The honourable minister.

The Hon. R.P. WORTLEY: Thank you, Mr Chair. The only amendment that has come from the lower house to the upper house is going from 5pm to 7pm. The Hon. Mr Brokenshire has had this bill for quite a while. He has had plenty of time to get his amendments into this parliament Knowing that there is a time line and that it is the intent of this government to get this bill through parliament as soon as possible, he has chosen to bring up these amendments, which, by the way, are not supported at all by this government. I understand that they do not have the majority support of this parliament anyway. I am happy to debate them but, at the end of the day, this government has a job to do. This is a very important piece of legislation, and we will seek to continue with the committee stage right now.

In regard to checks and balances, you are right. This is a house very often referred to by Independents and the opposition as the house of checks and balances and debate, and we will continue with that tradition. I remind members of this: in the second reading debate for the Work Health and Safety Bill, the opposition and Family First indicated to this chamber that they were going to guillotine debate at the second reading. On such an important piece of legislation—and it is on the *Hansard*; you cannot get away from the *Hansard*—they made it quite clear that they were not going to support the second reading and not go into committee. So if there is anyone who tries to avoid their responsibilities—

Members interjecting:

The Hon. R.P. WORTLEY: —in this chamber, it is the opposition. I think I have answered appropriately, and shouting over me when I am trying to give answers to questions does not mean you are right, because this bill has the overwhelming support of the community. You people are out of touch with the community. In that, I move that the committee vote on clause 1.

The CHAIR: We have an amendment to it.

The Hon. T.A. FRANKS: Just a general comment to clause 1. The Greens would like to draw the attention of members to the fact that the Statutes Amendment (Members' Benefits) Bill of 2010 passed the House of Assembly on 15 September, was introduced to the Legislative Council on 15 September, debated and passed by the Legislative Council on 16 September with Liberal and government support to stifle debate or allow any amendments. Certainly, the Greens are not sympathetic to—

Members interjecting:

The Hon. T.A. FRANKS: I am being told by the opposition that this is a new approach that they would like to see implemented. When we see consistency, the Greens will believe that this is about freedom of speech and debate and democracy.

Members interjecting:

The CHAIR: Order! The Hon. Ms Franks has the floor.

The Hon. T.A. FRANKS: And clearly democracy is very important to the members who wish to shout across the chambers. When it suits, the Liberals are happy to support the government to stifle debate and rush a bill through. We have had this information on this bill since October last year. It is no surprise to us—

The Hon. T.J. Stephens: In its current form? How long have we had it?

The CHAIR: Order!

The Hon. T.A. FRANKS: Would you like to keep heckling me?

The Hon. T.J. Stephens interjecting:

The CHAIR: Order! The Hon. Ms Franks, continue.

The Hon. T.A. FRANKS: That just firms the Greens' resolve that this is not actually about debating the bill. This is about point-scoring and politically playing the man, not the ball. We are looking at debating the first clause. I hear the Hon. Robert Brokenshire has at least 15 questions on the first clause. We look forward to hearing those 15 questions. Clearly, he is ready for at least the first clause. If there is a problem at the sixth clause where the first of the Brokenshire amendments come in, then perhaps we may see a division at that point, but certainly let's get on with clause 1.

The Hon. R.L. BROKENSHIRE: My first question to the minister is that I am advised that a close assessment of this bill will see close to $1 million of additional wage costs for the whole aged care sector. The advice I have is that it does not include the possible implications to those who are aged and receive care in their home.

I am also advised that younger people with disabilities in aged care facilities—in other words, permanent residents—and I have received these figures through the Australian Institute of Health and Welfare. I could only get them back to 2009-10. I could not find anything more recent for South Australia. Having said that, we have 22 people with severe disabilities who are permanent residents in aged care facilities who are less than 50 years of age, and we have 134 who are 50 to 64 years of age.

So, in South Australia right at this point in time, we have 156 people who are the responsibility primarily of the state government because these are people who have disabilities. I commend the Hon. Kelly Vincent for negotiating the issue around trying to get top-up for the disability sector. The aged care sector has had no offer of top-up and, not only that, we have 156 people at least in aged care who are the responsibility of the state government primarily.

My question to the minister is: what work has the government done to analyse this? Does the minister agree that the cost for these people and others in aged care will be around $1 million, if you have done any scoping on it? That is the second question. The third question is: has the minister had a legal opinion regarding the discrimination act?

The preliminary advice to me is that if the government is looking at topping up for the disability sector and then not look at topping up for the disability sector in aged care—we are all concerned about young people with a disability being in an aged care nursing home and the issues around the aged care sector per se—has the minister had legal advice on whether or not there is a discrimination matter here that can be challenged to the government?

Does the minister confirm $1 million, or thereabouts, of top-up that will not be available to the aged care sector? What scoping has the government been doing regarding this? Why has the minister and his government chosen to separate out the disability sector but not the disability sector in aged care facilities? Why are they not prepared to help the vulnerable people in aged care facilities? They are my first three points on clause 1 to the minister and I would like specific answers, Mr Chair.

The CHAIR: The minister can answer whichever way he sees fit.

The Hon. R.P. WORTLEY: In my answer to the Hon. Ms Lensink I made the statement that our analysis of the impact on the aged care industry is that it will be modest. Their rostering tends to see fewer staff on by about 7pm, so for a home with an annual payroll of about $2.5 million we calculate the additional cost as in the order of $1,300. In addition, the government will consider the application of exemptions regarding some charges attaching to land, such as are applied to charities. This will be considered in the light of any changes to aged care funding as a result of the industry's approaches to the federal government.

Regarding discrimination, I have always been led to believe that the government has a right to allocate funding as it sees fit. If the government had to go to the discrimination court every time it made an allocation of funding that did not suit one sector of the industry, it would never get a budget out. So, do what you need to do with the legal advice. The government has made an arrangement to ensure that NGOs and those working in the disability sector will be compensated. It has also given undertakings to aged care that it will look at the arrangements when applying charges, as it does with charities.

The Hon. R.L. BROKENSHIRE: Supplementary to that, there is a huge discrepancy in the amount of money that the government, through the minister, is saying it is going to cost aged care. If I hear right, the minister is saying it is going to cost $1,000 or so.

The Hon. R.P. WORTLEY: Per home.

The Hon. R.L. BROKENSHIRE: Per home. Does the minister confirm that the aggregate of that will be, as I am advised with the homework I have done and in looking at the Australian Institute of Health and Welfare figures, that the cost will be close to $1 million per year?

An honourable member interjecting:

The Hon. R.L. BROKENSHIRE: No, he has not, because he has not been able to even tell the council what the cost is. He said it is going to be so much per residency. What does the aggregate of that cost?

The CHAIR: Order! Leave debate out of the committee stage.

The Hon. R.P. WORTLEY: Our analysing of the industry indicates to us that it will cost in the order of $1,300 for a home with an annual turnover of $2.5 million. I do not have a total figure off the top of my head, but if that is the case it is not as dramatic as the Hon. Mr Brokenshire is trying to say. If a home with an annual turnover of $2.5 million is going to have a cost of $1,300, we would consider that as an insignificant cost. In saying that, the Premier has given an undertaking that in the context of the federal government's review on its funding, we will look at an application for exemption regarding some charges attaching to the land. This will have a financial benefit to

these homes. I think the government has done the right thing by this sector and also by the disability sector.

The Hon. R.L. BROKENSHIRE: Regarding the 156, at least, people that I understand have a disability in aged care, is the government prepared to assist those people with quality of life by topping up the cost to those people, as indeed it has done through a commitment to top up with the disability sector? What about those 156 people, minister?

The Hon. R.P. WORTLEY: If our analysis of the home says that it is a home with a $2.5 million wage bill that is going to incur a cost of $1,300 I do not accept the fact that the quality of life of those people will be lessened on Christmas Eve or New Year's Eve as a result of our part-public holidays.

The Hon. R.I. LUCAS: I want to make a brief comment in relation to the contribution of the Hon. Tammy Franks. In relation to debates on those sorts of bills, the position I have adopted—and I will check the record in relation to it—is that if the government comes to the opposition and says that it wants a bill to go through contrary to the normal process, we generally say it should go and speak to the crossbenchers and see whether or not they are prepared to agree to it.

The Hon. M. Parnell: That didn't happen.

The Hon. R.I. LUCAS: What I will have a look at, when I check the record, is whether the Greens moved to report progress or to adjourn the debate and, if they did, whether we supported them or not. Let us just check the record, because that is how you test this issue ultimately—

The CHAIR: This has nothing to do with the bill.

The Hon. R.I. LUCAS: —as to whether or not you actually move to adjourn it or report progress, and whether or not we supported that position.

The CHAIR: They must have your heartstrings.

The Hon. R.I. LUCAS: We would be struggling to find one for you, Mr Chairman, I would have thought.

The CHAIR: That's right; hear, hear!

The Hon. R.I. LUCAS: Exactly; but that did relate to superannuation, so I suspect you might have been interested in that one—not much else, but that sort of thing.

The CHAIR: You shouldn't spit the dummy, Mr Lucas.

The Hon. R.I. LUCAS: I am not spitting the dummy, just highlighting what is of interest—

The CHAIR: Get back to the bill.

The Hon. R.I. LUCAS: —to you, Mr Chairman, which would be superannuation and salary.

The CHAIR: You should stick to the bill.

The Hon. R.I. LUCAS: Other issues probably not.

The CHAIR: Mine's not quite as big as yours, though.

The Hon. R.I. LUCAS: Your what?

The CHAIR: My super is not quite as big as yours.

The Hon. R.I. LUCAS: Your stock?

The CHAIR: My super.

The Hon. R.I. LUCAS: I was going to say that if you have stock, you have stock that I don't have, Mr Chairman.

The CHAIR: You should be debating the bill.

The Hon. R.I. LUCAS: That has nothing to do with the bill, Mr Chairman.

The CHAIR: You should be debating the bill; get on with it.

The Hon. R.I. LUCAS: Exactly. Don't be distracted by discussions about your stock earnings or holdings, Mr Chairman. It's got nothing to do with the bill.

The CHAIR: Hear, hear! We don't want to upset you.

The Hon. R.I. LUCAS: It would take more than that to upset me, Mr Chairman, let me assure you.

The CHAIR: I don't think so.

The Hon. R.I. LUCAS: The questions the Hon. Mr Brokenshire is raising are important questions. In relation to this issue—which was also raised at the second reading—the Premier issued a press release headed 'Win for shoppers, small business and workers.' It read:

> The government has varied the start of the part public holidays and agreed to provide extra funding to state government-funded non-government organisations providing services during these times

My question to the minister is: does he stand by that commitment, in precisely those terms that the Premier issued publicly?

The CHAIR: The Hon. Ms Franks.

The Hon. M. Parnell interjecting:

The CHAIR: Order! The honourable minister.

The Hon. R.P. WORTLEY: I will answer the question first. In relation to state-funded NGOs, we have made a commitment—and I stand by that commitment—to adjust funding arrangements to compensate for the initial cost of those services operating on the nights of Christmas Eve and New Year's Eve. One of the advantages of moving to the 7pm start of the public holiday is that it enables us to fund the additional costs of those state-related NGOs delivering disability and other community services on those nights.

I think we are starting to see, already on clause 1, a degeneration of the debate and the behaviour of certain people in this chamber. It is a deliberate attempt to stall this. We have gone for an hour and we are not even halfway through clause 1. Let's just get on with the questions so that we can get the answers.

The Hon. R.I. LUCAS: Is the minister refusing to stand by the commitment that the Premier has given in this house? Is the minister saying to this house that the government's position is that it will provide extra funding to state government-funded non-government organisations providing services during these times? Is that the government's commitment?

The Hon. R.P. WORTLEY: If I have to answer the same question three or four times we will never get through this debate. We are talking about state-funded NGOs delivering disability and other community services on those nights. I stand by the Premier's commitment.

The CHAIR: The Hon. Ms Franks, did you have a question?

The Hon. T.A. FRANKS: I have a response to the question posed to the chamber by the Hon. Rob Lucas, and I would like to point to page 869 of the Legislative Council *Hansard* of Thursday 16 September, when the Hon. Mark Parnell, in that aforementioned debate on parliamentarians' benefits, moved that the debate be adjourned, and it was indeed opposed by the Liberal opposition and the government. In fact, it was only four crossbenchers—the Hon. Ann Bressington, the Hon. Kelly Vincent, and the two Greens members, who—

The CHAIR: As I said to the Hon. Mr Lucas, it is irrelevant to the bill. We should get on with the bill, and you can perhaps take those issues up between yourselves over the lunch break. The Hon. Mr Lucas.

The Hon. R.I. LUCAS: Mr Chairman, I am happy to stand corrected; it was a question to the Hon. Ms Franks. I had no recollection of what the process was. My position generally is that if the government cannot get the crossbenchers on side for a particular debate, we should not proceed.

The minister has said he has changed the government's commitment slightly. The Premier said publicly 'state government funded, non-government organisations providing services'; however, the minister's commitment in this chamber is 'providing disability and other community services', which is fair enough. The government is therefore conceding it has promised to provide funding to state government funded NGOs providing other community services, not just disability services, in particular the shelter sector, as was raised by the Hon. Michelle Lensink.

My understanding of that sector is that it provides a community service and that it is provided with state government—and I also think federal government—funding. So, on the basis of the minister's commitment in this chamber, he has committed this government to provide additional funding to compensate those NGOs if (a) they provide a community service, which clearly they do, and (b) they receive state government funding. Is that a fair interpretation of the commitment given by the minister in this chamber this morning, on behalf of the government?

The Hon. R.P. WORTLEY: I think I have answered that question on a number of occasions. The Premier made a commitment to give additional costs of those state-funded NGOs delivering disability and other community services on those nights, and we stand by that commitment.

The Hon. R.L. BROKENSHIRE: Can the minister advise the committee, based on this commitment, the scope of the actual dollar cost? How much of the $5 million will that area actually—

The Hon. R.I. Lucas: This is in addition to the $5 million.

The Hon. R.L. BROKENSHIRE: This is in addition to the $5 million, okay. Can the minister advise the committee how much money that will cost, in addition to what was committed to before, with respect to the NGOs? What will it cost? What is the dollar figure?

The Hon. R.P. WORTLEY: I do not have the dollar figure on me, but I will make this clear: I have already stated—and I think this is the fourth time I have stated this—that going from 5pm to 7pm reduces the public holiday from seven hours to five hours. The saving out of the $5 million that we have indicated it will cost the government will help fund our commitment to the NGOs that are delivering disability and community services. I do not think it can be much clearer than that.

The Hon. R.L. BROKENSHIRE: There is no clarity in that at all. Clearly, I would assume that Treasury—being as diligent as they are—would have done a detailed cost analysis on this, and I think it is fair and reasonable that the parliament is advised of the cost. So, can the minister make an undertaking, between now and when we resume this discussion after private members', to actually table in the house what that cost is? I think it is only fair and reasonable that we know.

The Hon. R.P. WORTLEY: Treasury has provided us with financial information that indicates that the total cost to the government for this legislation will be $5 million. There will be a significant saving from those two hours, which will be used to fund the non-government sector. As to the actual dollar amount, we will have to see whether that has been done, but what that has to do with the context of this debate and the bill I do not know.

Members interjecting:

The Hon. R.P. WORTLEY: We have $5 million. What else do you want?

Members interjecting:

The Hon. R.P. WORTLEY: I know that once you get past five fingers you do have a bit of a problem, but it is $5 million. What else did you want to know?

The CHAIR: The Hon. Mr Lucas, do you intend to move your amendment?

The Hon. R.I. LUCAS: No, Mr Chairman. Thank you for the invitation. The minister's incompetence and naivety, and a whole range of other things, are well demonstrated by that last extraordinary response: 'What on earth has the cost of this legislation on the state budget got to do with this bill?' That is the response from the minister in this government, saying, 'What on earth has the cost of this to the budget, to the taxpayers of South Australia, got to do with this particular bill?' That is the response from the minister, who says, 'Stuff the taxpayers of South Australia; stuff the people who might be struggling for a few hundred dollars or a thousand dollars from the government for a particular service or community; it's only $5 million.'

The CHAIR: Order! Have you got a question?

The Hon. R.I. LUCAS: Mr Chairman, the standing orders do not require questions solely in the committee stage debate. You should understand that, Mr Chairman.

The CHAIR: They do not require second reading speeches either.

The Hon. R.I. LUCAS: No, and I am not giving one. I am responding to what the minister has just said. The standing orders do not require just questions: they require consideration of the debate, and members are not restricted in terms of the number of times they are entitled to put and

respond to what the minister was allowed to say in the committee stage of the debate. You did not rule him out of order in relation to that, and it is an extraordinary response to say, 'Stuff the expense. It's only $5 million, give or take, or whatever it happens to be, and what has that got to do with the legislation?' Where the minister is also extraordinarily incompetent or naive, or both, is—

The Hon. J.M. GAZZOLA: Point of order. The Hon. Mr Lucas has been here long enough to know that—

The Hon. R.I. Lucas: 'Incompetent' is unparliamentary.

The Hon. J.M. GAZZOLA: Yes; he should not be calling the minister incompetent in relation to clause 1 of this debate.

The CHAIR: Mr Lucas has been here long enough to know he should be getting on with it.

The Hon. R.I. LUCAS: How sensitive are we when 'incompetent and naive' is deemed to be unparliamentary by the next president?

Members interjecting:

The PRESIDENT: Order!

The Hon. S.G. Wade: Self-identified.

The Hon. R.I. LUCAS: Indeed, he did use that phrase himself. The minister did use that phrase himself. We should call on him to withdraw and apologise for calling himself a dickhead, but we will not; that is up to him. That was certainly unparliamentary language that he used in the chamber.

The point that I am trying to make to the minister, who is obviously flustered on this particular issue, is that the government's initial estimate of $5 million, as he identified, was on the basis of the original deal done with the SDA, which was 5 o'clock to midnight. What has occurred since then—perhaps it has escaped the attention of the minister—is that two key things have happened: the government has actually backed down and has compromised on the time, which is 7 o'clock instead of 5 o'clock.

Even the minister perhaps should understand that, by doing that, that affects the estimate of $5 million. As he indicated, it is likely to reduce the state budget cost as a result of that. Subsequently, the government has done an unspecific deal in relation to funding all non-government organisations which are state funded and which provide any disability or community service, which will obviously increase the potential cost. The $5 million cost is on a past deal and a past arrangement; it is not what we are being asked to vote on at the moment. What we are being asked to vote on at the moment is a different deal in at least two key respects.

The question from the Hon. Mr Brokenshire and myself, and I assume other members as well, is: what is the Treasury estimate of this current deal that the state government is asking the parliament to support? It is an issue for the taxpayers of South Australia as to what the cost to them will be of the final deal that is there—not what the original proposal was from weeks or months ago, but what the proposal is now in relation to what we are being asked to vote on. So, my question to the minister, following on from the Hon. Mr Brokenshire is: what is Treasury's current estimate, with both of those changes now incorporated, to the budget of South Australia?

As I said in the second reading, and I am seeking it from the minister: what are the departmental breakdowns of that, because Treasury collected that information from each of the departments before they compiled their estimate of $5 million. They did not just pluck a figure out of the air; they went to each of the departments and agencies—in particular the key ones—which would obviously be health and community services or equivalent departments, probably transport, emergency services, and a range of departments like that which are providing 24-hour services right across the board.

Now, subsequent to that, we have this additional cost for shelters, disability services—any community service—so the message goes out to any organisation that provides any community service, and gets any state government funding that, if their costs are increased as a result of this deal, the government and this minister have given you a commitment that they will fund you for that increased cost, and that is important for all those organisations to know.

My question to the minister—as I raised in general terms in the second reading, and he did not reply at the response to the second reading—is: what is Treasury's latest estimate and what are the departmental breakdowns of that estimate? I do not expect the minister to have the

departmental breakdowns here unless he already has them from his advisers. We put the question on notice yesterday, so they have had 24 hours but, certainly, when we continue this debate, whenever that is, we will be seeking that information from the minister. However, he certainly should have today—now—what the estimated total cost is. He can't get away with, 'Hey, this has got nothing to do with the bill,' because this is, in essence, what the cost to the taxpayers will be of this bill with the key changes that have now been negotiated.

The Hon. R.P. WORTLEY: I must say that the only contempt shown to taxpayers of this state is not from me, it is from the opposition benches. I made it quite clear from the beginning that Treasury has advised that the cost to the taxpayer of this state will be $5 million—arising out of a negotiated outcome where the number of hours has been reduced from seven to five hours—and has given enough funding to cover the additional cost of those state-funded NGOs delivering disability and other community service on those nights.

So, I do not know how much clearer I can be, that the cost of this arrangement with regards to the disability sector and community services will be made up of that significant saving from paying the wages of public servants for those two hours of public holidays. So, $5 million is the cost, and that is the answer that you will get for the next question and the next question, and I think we should move on to a lot more important questions.

The CHAIR: Are you moving something?

The Hon. R.L. BROKENSHIRE: It is clause 1, sir. These are all important questions, properly covering the due diligence of this bill. I ask the minister, is this disability compensation agreement the subject of a memorandum of understanding or other signed agreement? What written commitment is there to the disability sector with respect to the press release?

The Hon. R.P. WORTLEY: Can you ask that question again, please?

The Hon. R.L. BROKENSHIRE: Sure. I ask the minister whether or not the government has completed a written memorandum of understanding with the disability sector through the Hon. Kelly Vincent, or what other agreement has the government signed off to honour its press release commitment to fund these NGOs that provide state government services?

The Hon. R.P. WORTLEY: The Premier has given a commitment that there will be funding for the extra cost incurred by the disability sector and community services on those nights. The Premier has given a commitment; he has given it publicly, and he will honour that commitment.

The Hon. R.L. BROKENSHIRE: Based on that, I foreshadow that we may have to consider a further amendment to protect the sector. At this point in time, can the minister confirm with the house that the verbal commitment, the oral commitment, that has been made by the Premier does include the other add-on costs over and above the wages, such as the costs for superannuation? I also request that the minster advises whether that is in the forward estimates.

In the forward estimates of this—and I do understand that the Treasurer has factored that $5 million into the forward estimates, but further to that in the forward estimates—given that superannuation is going to go from 9 per cent to 12 per cent during that forward estimate period, there is an additional cost there as well. There are leave loading costs that are brought in and other add-on costs—other input costs over and above the base rate. Can the minister confirm that all those other input costs over the base rate will be paid for by the government?

The Hon. R.P. WORTLEY: The Treasury has advised us that the cost which would include anything else over wages, the total cost, will be $5 million. I do not know what else the member wants me to give him, but $5 million is the cost.

The Hon. R.I. Lucas interjecting:

The Hon. R.P. WORTLEY: Obviously, some members cannot come to grips with this but, because of the fact that we have saved around about 20 per cent because of the hours, that will fund the disability sector and the community services.

The Hon. R.L. BROKENSHIRE: I will explain it to the minister, and I will try to do it slowly and simply. If the worker is on $20 an hour on these two half public holidays that are now going to be passed, the $20 an hour becomes 250 per cent. So the first question is: will there be $50 an hour funded for the base rate for those nights? That is the first question.

Secondly, on top of that—and I hope the minister has some comprehension of this—that is not the total cost to an employer. You would have WorkCover, for a start, which would be, I would

estimate, on top of that probably another $2 an hour. Then you have other input costs that deliver a total amount of money per hour to that employee. I need to know, on behalf of constituents who are concerned that they will be left out in the cold on this, whether or not the government has factored in all these things—it is a fair and reasonable question—and not just on the base rate of salary but the other input costs to that hourly rate for that NGO.

The Hon. R.P. WORTLEY: I have been advised, and I think I have stated here on a number of occasions, that the $5 million which has been committed by the government to fund this includes on-costs. I do not know how many ways I can say this, but it does include on-costs. It also includes support for the community and disabilities sector as an outcome of the arrangements with the Hon. Kelly Vincent.

The Hon. R.I. LUCAS: I thank the minister for acknowledging that the $5 million is going to cover the on-costs of the particular organisations that are going to be funded, but I ask the minister to clarify the figure he is quoting, which is the $1,000 figure. I suspect that does not include the on-cost figure, the figure he has been quoting. I ask him to clarify that that figure does not include WorkCover, payroll, superannuation and a variety of other figures. I ask the minister to confirm whether or not the figure he has been quoting during this debate does include on-costs, as he has been claiming.

In relation to this $5 million figure, again, I just say that this chamber should not be asked to vote finally on this bill without actually knowing what the final estimate to the taxpayers will be for the bill. The minister can argue for as long as he wishes that there will be some savings from the original $5 million because of the reduction in hours but there will be some increased costs because of the disability sector and other community services that are being provided.

What we are asking him is: what is Treasury's estimate now of the total cost to taxpayers? It might well be that it is $4 million, or $4.5 million, or $4.75 million, or something, but this place is entitled to know, on the basis of what is now the final deal—not the original deal—what the cost to taxpayers is going to be and what the cost to the individual agencies, in particular the key ones that I have highlighted, is going to be.

I do not think that anyone can argue that that is an unreasonable question in relation to a piece of legislation that is going through the parliament; that is, what is the cost to taxpayers of the final deal (not the original deal) that has been negotiated? The minister can bluff and bluster as much as he wishes and say, 'The original estimate was $5 million.' Well, that is the original estimate for the original deal. That is not what we are being asked to vote on.

I do not know what it would take to get through the head of the minister in charge of the bill that we are actually talking about a different bill and a different deal, and therefore we are talking about different total costs. That is all this committee is asking and, if the minister had been prepared to answer that question, a lot of the time of this committee could have been saved.

It is the minister, through his refusal to answer reasonable questions, who is delaying unnecessarily the committee stage of this debate. On behalf of members, I express some concern at his intransigence and his refusal to assist the committee in terms of what are reasonable questions on the debate.

I am hoping that, when this committee continues the debate on the committee stage of the bill, the minister will have taken advice from Treasury, as he was asked to do yesterday, and will bring back to the committee at the very least some estimate of what the total costs are going to be to the taxpayers of South Australia. That is not an unreasonable question and request of the minister.

The Hon. R.P. WORTLEY: What we have here is an example of a delaying tactic. I have given the answer in this chamber that the original arrangement in the bill of from 5pm to midnight would cost the government $5 million, including on-costs. Since then, through negotiation, the hour has been changed to 7 o'clock. So, that is a saving of two hours. Out of that saving, off the top of my head, $1 million will go to funding NGOs, disability services and community services. I do not know how much clearer I can be, Mr Chairman. I think it is a recalcitrant opposition; they just refuse to accept the answers. I think we should just move on to the next question.

The Hon. R.L. BROKENSHIRE: Most of Family First's questions are in clause 1. We will not be interfering much with many clauses after clause 1. So, this is the clause where we need some answers, and we have not got the answers yet. I will expect some tabling of those costs. My

next question of the minister is: do the disability compensation measures extend to disabled persons being cared for within an aged-care home?

The Hon. R.P. WORTLEY: The arrangements will enable us to fund the additional costs of those state-funded NGOs delivering disability and other community services on those nights. So, state-funded NGOs, disability services and other community services will be the ones that will benefit from the arrangements.

The CHAIR: The Hon. Mr Brokenshire has a follow-up.

The Hon. R.L. BROKENSHIRE: I do have a follow-up. I take that that is a no, or can the minister clarify this question? It is very important; the state government, I understand, has an obligation to at least these 156 people. I really need a yes or no as to whether or not they will be part of the compensation package or whether, through inadvertent situations, they will not be part of the compensation package. If he cannot answer that now, can the minister make a commitment to bring back an answer through the further deliberation of the clauses?

The Hon. R.P. WORTLEY: I will seek an answer specifically for the Hon. Mr Brokenshire. But I will say this: there is a commitment to fund non-government and state-funded organisations that deliver disability and other community services. Once again, I do not see how much clearer we can be in regard to this issue.

The Hon. S.G. WADE: Can I clarify that the budget contribution to cover the cost of the public sector will include the disability and community services provided by government agencies, such as Disability SA?

The Hon. R.P. WORTLEY: I will seek to get that information.

The Hon. R.L. BROKENSHIRE: Some further questions to the minister: what happens in the disability compensation arrangements if the government moves finally to a self-managed funding model, which the disability sector wants for clients and which I think most members of the parliament support? All the indicators are that they are going to move that way. How will the compensation then be paid? Will it be paid to the client? Will it go through the NGO? If the client decides not to have an NGO at all, will there be a direct payment to the client? Can the minister assure the house that in the case of a client being self-managed, they will not be disadvantaged with any of this top-up that the government has made a commitment to with this sector?

The Hon. R.P. WORTLEY: The Premier has given a commitment to the sector, so I fully support that. I am sure that no matter what arrangements are made in regard to the disability sector that they will not be disadvantaged. If the government has given a commitment, they will stick by that commitment.

The Hon. R.L. BROKENSHIRE: I ask the minister then during deliberations on further clauses to bring back to this house a specific answer to that question because I think it is a very important question that is going to have enormous impact if we do not get the right response in the forward years. I remind members that this is not just for one year; this is for perpetuity.

The Hon. S.G. WADE: If I could reiterate the question of the Hon. Mr Brokenshire: as I understand the government's commitment, it is only to fund non-government organisations providing disability services. The point the Hon. Mr Brokenshire very rightly makes is that under the self-managed funding, a person with a disability could be directly employing a person. They might be directly employing their care worker; that is the whole point. So the government's commitment as it is currently expressed—for example, NGO organisations would not provide assurance. I take the minister at his word and I would seek confirmation at a later stage that that will apply to individuals who are employing directly their carers.

The CHAIR: The minister made that commitment to the Hon. Mr Brokenshire.

The Hon. R.P. WORTLEY: I have already made that commitment. Let's put this in perspective.

The Hon. S.G. Wade: These are people with disabilities. You be careful.

The Hon. R.P. WORTLEY: Yes—we are talking about 10 hours in a year. The government has given a commitment to cover the costs. I think that should be taken for its word. The Premier has given that commitment and I am quite happy here to give this commitment to this chamber, but I still think we should put it in perspective that the number of hours in a year that we

are talking about is 10 hours. I know for a fact and have total confidence that the Premier will stick by the arrangements he has made with the sector.

The Hon. R.L. BROKENSHIRE: I asked the minister with the other questions that we have basically put on notice for him to come back with: will the minister, if he cannot do it now, give us the specific figures of estimates from Treasury on what the government's estimated saving in its public sector wage commitments are by the change from five to seven? That is a question you can take on notice, minister, and bring it back. He has nodded, so that is what I believe he intends to do.

I assume that a responsible and diligent government would have done a scoping on the cost to the private sector because we have heard during the debate in the second reading that there is going to be quite a cost across South Australia. I ask the minister, with the Treasury modelling or with your own department's modelling or in conjunction with other ministers like minister Koutsantonis, what is the government's estimated cost of the impact of the new part-day public holidays on the business sector across the state, including the other add-on costs such as superannuation, leave entitlements, payroll tax, etc.?

What is the actual cost to the South Australian private sector across all sectors of the state with respect to this decision? I think it is a pretty important question. I can assure the house that very many small family businesses are doing their homework now and finding out that it is not just a flippant 10 hours a year. So what has the government actually costed with their due diligence on this initiative?

The Hon. R.P. WORTLEY: There are around about 8,500 hours in a year. This will account for 10 hours in a year. The government does not have the actual figures. It is almost impossible to work out the actual figures of what this is going to cost. I do know that the vast majority of people are not working on that day. The fact is that it is 10 hours out of over 8,500 hours and the government has considered that because of the importance of this legislation it is a cost that will be borne by private industry.

This is important legislation to this state. It is vital to the vibrancy of the city of Adelaide. It is in line with our strategic plan for developing the city of Adelaide into a place where people would want to come to work, play, live and enjoy. I put it to the honourable member that it is 10 hours out of over 8,600, and we consider that is a figure that will have to be borne by industry. Remember this: it has the support of the biggest business organisation in the state, Business SA, and Business SA would not have made this arrangement if it thought the cost was so significant.

For many years Business SA and Peter Vaughan, the CEO, have been looked upon as the true voice of business in this state. He has made an arrangement, and Business SA has endorsed that, in the best interests of the state, and we have a number of organisations that are upset with that provision. At the end of the day, for as long as I have known, Business SA has been the voice of business in this state. That may change in the future, I do not know, but I do realise this: Business SA would have taken into consideration the cost and the benefit to this state, and that is something that some people in this chamber are not taking into consideration.

The Hon. R.L. BROKENSHIRE: The minister says Business SA has taken in all the costs. I would like to see that, just the same as I would like to see the scoping from the government. Just to get this very clear, because to me this is quite important—by the way, Business SA does not represent small business and small business is the engine room of this state—is the minister saying that this government has made this decision in a back room with a couple of people, but has not done any due diligence scoping studies or working and modelling whatsoever on what the total cost will be to business in South Australia? Is he saying they have done no work, yes or no?

The Hon. R.P. WORTLEY: The arrangement was endorsed by Business SA, which does represent small business, by the way, it represents numerous small businesses. The opposition has often come into this chamber defending the rights of Business SA. So, I think it deserves the respect it has earnt over many (probably) decades of good representation to this state. We are talking about 10 hours out of probably between 8,500 and 9,000 hours per year. We have taken the view that that cost is an acceptable cost.

The government has committed money ($5 million) towards our share to look after the costs that we will incur. We believe that for how significant this legislation is to this state, that cost is an acceptable cost. We also believe it is the right thing to do. This is the difference between members on this side of the chamber and some of the crossbenchers and the opposition. We believe that people have the right to be paid overtime rates, public holiday rates, on Christmas Eve

and New Year's Eve. It is something we believe in. It is also reinforced by news polls that 80.6 per cent of people believe that people deserve higher rates of pay for working on Christmas Eve and New Year's Eve.

There is going to be a cost. We are not running away from that. We believe the cost is acceptable. The government believes the cost to the government is acceptable because of the importance of this bill and this legislation to the state of South Australia.

The Hon. R.L. Brokenshire interjecting:

The CHAIR: Order! I decide who gets the call, not you.

The Hon. R.L. BROKENSHIRE: Thank you, sir; I appreciate that.

The CHAIR: We know there is a tag team going, but that's okay.

The Hon. R.L. BROKENSHIRE: Thank you, sir. I advise the committee that I have only four other questions after this. I ask the minister, yes or no, for the public record; is it a yes that the government has done all this work on the impact to business in South Australia, or is it a no? I just want a yes or a no.

The Hon. R.P. WORTLEY: The government has taken into consideration that there are between 8,500 and 9,000 hours worked in a normal year; 10 hours is a reasonable cost to the community for the important reform that we will see arising from this bill.

The Hon. R.I. LUCAS: The minister just indicated that he and the government have always believed that people who work on New Year's Eve and Christmas Eve should be paid more in higher penalty rates. If that is the case, why didn't they make changes any time over the last 10 years?

The Hon. R.P. WORTLEY: That question could be asked of thousands of different examples. The fact is that we have a bill here today, and we believe it is the right thing to do for those people, very often low-paid workers, giving them public holiday rates. There is overwhelming support from the public with regard to the belief that what we are doing is the right thing to do.

The Hon. R.I. LUCAS: The minister has raised this particular issue in the debate; that is, that he and the government have always believed that these workers should be paid at a higher level. For much of the first part of the government's 10 years, because of the GST and a variety of other things, we were in a very healthy position with budget surpluses. At the moment we are in a position with $300 million to $400 million deficits.

If the government believes what it says it believes, why did it not just enter into industrial arrangements with those workers to pay them additional penalty rates or higher rates of pay? It did not need this particular legislation to increase the rates of pay of workers if it truly believed they should be paid more. At a time when we had plenty of money in the budget, why didn't the government enter into enterprise bargaining at that stage—which it would generally do on a three-year basis—with its workers, and say to the unions and others, 'We are prepared to increase your rates of pay on New Year's Eve and Christmas Eve because we believe you are entitled to, and should be paid, a higher rate of pay'?

The Hon. R.P. WORTLEY: The government believes it is the appropriate thing to do—

The Hon. R.I. Lucas: Did you always believe this?

The ACTING CHAIR (Hon. J.S.L. Dawkins): Order!

The Hon. R.P. WORTLEY: The government does believe it is the appropriate thing to do, and pay mostly low-paid workers overtime penalty rates. This provision arose out of a negotiated outcome between two of the major operators within the retail industry; that is, Business SA and the shop distributive union. It came to us, breaking down the years and years of ideological differences that have prevented shop trading on public holidays.

Part of that arrangement was also the part-public holidays, giving increases to lower-paid workers. The government embraced that idea. Not only did it allow the opening up of shop trading hours on public holidays but it also allowed us to reward and compensate people appropriately—and quite rightfully—for working on Christmas Eve and New Year's Eve. We make no apologies for that; we are actually quite proud of that concept.

I know that you despise it, I know that you must go to bed at night hating it. The reality is that we are proud of the fact—

The ACTING CHAIR (Hon. J.S.L. Dawkins): Order! The minister will make his comments through the chair.

The Hon. R.P. WORTLEY: I know that they hate the fact that we are getting lower-paid workers appropriate and justified wage compensation for working on Christmas Eve and New Year's Eve, but we are very proud of the fact, and look forward to the first time, this Christmas, when workers can be adequately compensated for working on those very special occasions.

The Hon. R.I. LUCAS: Mr Acting Chairman, I think the nonsense of the minister's argument is revealed by that particular response. If this indeed were something that he and they passionately believed in, they would have done something about it over the last 10 years. The reality is that the only reason they are doing this, and are using this as an argument, is because the shoppies union have come to them with the deal in relation to their rates of pay, and this particular device is being used as justification.

If they had truly believed in this, they would have done an equivalent thing (in terms of increasing rates of pay and penalty rates for their workers) at any time during the last 10 years. So, the nonsense that this is something they really believe is revealed for what it is: a nonsense. This minister and this government have not believed that at all; they have been happy to sit there, fat, dumb and mute, doing nothing for 10 years. It is only when the shoppies union said, 'You've got to do this,' that they have then used this as a particular argument to try and justify their support.

I do note that the minister keeps saying that this is only really about the low-paid workers. Does the minister say that our salaried medical officers, police officers, firefighters and nurses are the most lowly-paid workers in the South Australian community?

The Hon. R.P. WORTLEY: No, by no means; we take pride in the fact that we adequately compensate our professional workers quite well. But, the vast majority of people who will be working on these days will be lower-paid workers—the vast majority. Of course, there will be a mixture of wage rates.

I would just like to say that it is all very well to ask why we have not implemented this over the 10 years, but I could ask the same question. The Liberal Party have a great tendency for wanting to totally reregulate shopping hours; why did they not do that back in their nine or 10 years in government? We could go on and on about this; the fact is, we have a bill here now. We are very proud of the fact that we are going to compensate workers for working on Christmas Eve and New Year's Eve, and we are looking forward to delivering their very first opportunity to be paid appropriately for those two evenings.

The Hon. R.L. BROKENSHIRE: I just have a couple more questions, sir. As a point of clarification, because I think the minister may be trying to confuse the house; the minister said on several occasions that there are 8,000 hours, and only 10 of those are affected by this decision, which implies that all of those 8,000 are working hours. There are nowhere near 8,000 working hours in a year, sir; there may be 8,000 hours in a year, but they are not 8,000 working hours. I just want to put that on the public record, because this is the sort of spin that this government is going on with.

I have a question following on from that of the Hon. Rob Lucas yesterday, and also from advice received by many members from Minter Ellison. Yesterday, the minister gave an interesting response, and said that he had advice from SafeWork SA which basically refutes the situation. I ask: has the minister sought legal advice in response to the advice of Minter Ellison which was referred to by the Hon. Rob Lucas? In addition, if the minister has sought legal advice, when he tables the other responses on notice can he also table to the house the legal advice that confirms what SafeWork SA is reported to have said with respect to the difference between the advice of Minter Ellison and what the minister told the house yesterday?

The Hon. R.P. WORTLEY: SafeWork SA did a report on the advice from Minter Ellison. That was run by crown law to find out if they support that, and I do have responses here. I am quite happy to read it out if you wish.

The Hon. R.L. Brokenshire: Thank you.

The Hon. R.P. WORTLEY: Minter Ellison:

Implications of new part-day public holidays in South Australia.

If passed, the Bill has the potential to impact SA employees and employers, irrespective of their hours of operation on 24 December and 31 December.

- For most employers, industrial implications of the new part public holidays from 7pm until 12 midnight on Christmas Eve and New Year's Eve will be the same as the industrial implications of any other public holiday.
- The general principle for dealing with public holidays is that:
  a) a worker may reasonably refuse work on a public holiday;
  b) if you work a public holiday you get compensated by being paid appropriate penalty rates;
  c) if you would normally work on a day of the week that is a public holiday but because it's a public holiday your employer is closed, you don't suffer any reduction in pay;
  d) if you wouldn't normally work on the day of the week that is a public holiday, you don't get paid;
- For example, a full-time worker who works their 5 day 38 hour week from Tuesday to Saturday does not gain any benefit from the several public holidays that fall on a Monday. Likewise, there are many part-time workers who do not work every day of the week and gain no benefit from a public holiday that occurs on a day they wouldn't ordinarily work.

I have just been advised that this is advice from SafeWork SA. It has not gone through the Crown Solicitor. It is advice from SafeWork SA, which is this state's body that looks after the industrial interests. If anyone would have—

Members interjecting:

The Hon. R.P. WORTLEY: It continues that section 114 provides the reasonable right to refuse work on a day or part day—

Members interjecting:

The Hon. R.P. WORTLEY: Do you want to hear the advice?

The Hon. R.L. Brokenshire: Yes.

The Hon. R.P. WORTLEY: It states:

- Section 114 provides the reasonable right to refuse work on a day or part-day that is a public holiday. There has been no dispute to date that this will mean these rights are available to workers between the hours of 7.00pm and 12 midnight on Christmas Eve and New Year's Eve.
- This year alone, New South Wales has 13 regional part-day public holidays declared pursuant to their Holidays Act.
- Most of these part-day public holidays have been observed for many years and I have been advised there have not been dire industrial consequences arising in New South Wales before or since the introduction of the current national industrial relations system.

This is from Minter Ellison:

In many instances, the interplay between the part-day public holidays and provisions of modern awards and enterprise agreements will either provide an additional cost to employers, uncertainty for employers in how to correctly pay employees or create a direct conflict between State law and particular industrial instruments.

Examples provided by Minter Ellison are: the manufacturing award and hospital award, rostered days off; hospital award and licensed club award, annualised salary arrangements; the clerks award and the vehicle award, shift commencement late at night; and the Coca-Cola agreement and premium wine agreement, part-day public holidays.

This is our answer:

- Questions have been raised about the public holiday provisions in several Modern Awards and Enterprise Agreements.
- Of the examples regarding the potential conflict between State law and industrial instruments, some public holiday provisions appear to have been drafted on the basis that all public holidays are full 24 hour day. The introduction of part-day public holidays does not necessarily conflict with these examples and in many cases the provisions may not even apply.

Most enterprise agreements are negotiated by the employer or their representatives and the employees or their relevant union and then approved by Fair Work Australia. If parties are concerned about any interpretational and application problems arising from the two December part public holidays then they have the opportunity between now and the end of the year to seek guidance from Fair Work Australia. Minter Ellison states:

Employees who are required to work between 7.00pm and midnight on a part-day public holiday will be entitled to applicable penalty rates. A penalty rate of 250% of an employees' base rate is common across modern awards and enterprise agreements.

SafeWork has advised:

- Workers will be paid in accordance with their relevant industrial instrument. Most Modern awards prescribe a public holiday penalty rate of double time and a half. This will generally not equate to a full 150% more than what employers are paying now because working after 7.00pm on a weeknight usually attracts an additional penalty in any event.
- In some years Christmas Eve and New Year's Eve will fall on a weekend. Saturday and Sunday rates can be anywhere between time and a half and double time, therefore the increase to rates of pay when the public holiday kicks in at 7.00pm will be less again. The Australian Hotels Association has been one of the loudest opponents of these proposed part-day public holidays yet their South Australian members remain subject to special provisions until 1 January 2015 that allows them to continue to pay casual staff a flat rate of pay for all hours worked including on public holidays.
- It is not too presumptuous to suggest that for many years the local hotel industry has predominantly engaged casual employees on weekends and public holidays for this very reason. And we can presume that they will continue to do so until 2015.

The Hon. R.L. BROKENSHIRE: I have two final questions. Does the minister intend, as is normal practice in these sorts of matters, to seek crown law advice on the Minter Ellison legal advice, or is the minister happy to sit with SafeWork SA?

The Hon. R.P. WORTLEY: I have total confidence in the advice I received from SafeWork SA. They have provided advice to me with regard to the advice by Minter Ellison and they have come back, after much research, with answers. I have total faith in them: yes, if I had the choice between choosing the advice from SafeWork SA and Minter Ellison, I think I would go with SafeWork SA.

The Hon. R.I. LUCAS: With the greatest of respect to the hardworking public servants within SafeWork SA, and I make no specific criticism of them, the foolishness of the minister is well demonstrated by his last statement. One can support one's public servants who are hardworking in their particular areas of competence but significant legal issues and concerns have been raised by one of the leading law firms in the state—one which, minister, your agency, WorkCover, has been quite happy to contract under monopoly arrangements, but put that to the side for the moment.

Those significant legal issues have been raised and the minister has stood up in this house and said, 'Even though I've got significant legal advice available to me through crown law, etc., I am not even going to refer these issues to crown law for legal advice: I am going to rely on the hardworking public servants within SafeWork SA.' Almost by an accident of history, the Shop Trading Hours Act resides with them. Shop trading hours, as is evident by its name, is not really the stuff that relates solely to occupational health and safety legislation and safe work arrangements but, through an accident of history over a period of time, that is where the expertise has resided within the public sector.

I am not making any criticism of that and the hardworking officers, but they are not the highly trained legal advisers to the government on complex legal issues. The minister stood up in the house and said, 'Well, too bad, that's where I'm going to get my legal advice,' but I am sure if he was to end up in court being sued for defamation or something he would not say, 'I'm not going to go to the lawyers in the crown, I am going to get the officers in my department to give me the legal advice and I will be very happy to take their advice over any competent legal advice that I might otherwise have available to me.' Who is he seeking to fool other than himself in relation to this issue?

It is just a clear demonstration, if we have ever needed it, of the undoubted incompetence of this particular minister in terms of anything his sticky fingerprints get across. It does not matter what it is—in this case we are talking about shop trading hours—his incompetence is well demonstrated to his colleagues, both ministerial and backbench, and to us in the chamber. To have actually got these significant issues, which we will obviously need to pursue now in the later committee stages of this piece of legislation, and to say, 'I don't need legal advice on this issue; I am not even going to go to crown law to seek legal advice on it; I am the minister and I have got the public servants in SafeWork SA and we are the experts in terms of the legal implications of the legislation,' is just, as I said, if we needed it, another demonstration of the minister's incompetence in relation to the issue before us.

That is particularly the case as he stood up in this chamber and said at the outset that this was advice that had been referred to the crown. When the minister, just off the cliff, was quite happy to make that claim, there was an anxious look from advisers saying, 'Whoops, he's done it again! He has misled the committee. He has said, 'This has been referred to crown law for advice and this is the legal advice.' Of course, the note came to him indicating, 'Minister, foot in mouth again. Another mistake, sadly. You're wrong. This hasn't gone to crown.'

The CHAIR: Stick to the point.

The Hon. R.I. LUCAS: Well, we are, Mr Chairman; we are indeed. The minister is the one who said that this was advice that had gone to the crown. That was his claim to the committee. As I have said, Mr Chairman—

The CHAIR: You're being—

The Hon. R.I. LUCAS: Well, he keeps making these sorts of mistakes and misleading the committee. It is like the ducks at the gallery. It is just like picking him off, sometimes it is just too easy, Mr Chairman, as he stands up and makes yet another faux pas, or error, in terms of his advice to the committee.

So, it is important because of the issues that were raised in the second reading. I know that other members have had that, and I was the first speaker. I raised the issues on behalf of members who had received that advice from Minter Ellison in relation to some detailed legal implications of the legislation. As I have said, and we will need to pursue this in the later stages of the committee stage, we have seen again another national industry group now taking similar legal advice from their own legal counsel indicating that they, in broad terms, are agreeing with a number of the legal implications that have been raised by Minter Ellison.

I must admit that, when I saw the response last night, and heard part of the response from the minister, I assumed that SafeWork SA had worked with crown law in terms of giving the government's legal advice on it. It is not an unreasonable expectation. I will be honest and say that he did not actually say that yesterday. He said today that it was based on crown law advice, but last night he did not say that; he just said that this was SafeWork SA's compilation of responses, and I just assumed that that would have been based on legal advice available both to SafeWork SA and to the minister. But, as we have seen with this minister, it is best not to assume anything. We have now finally had revealed that this was not based on legal advice at all. This is the view of the hardworking public servants within SafeWork SA who manage the shop trading legislation.

In the end, I do not believe that it will be those officers when we come to industrial arrangements interpretation of this bill, together with the enterprise bargaining arrangements that already exist within the government, the modern awards implications as they exist with Public Service workers and others. It will not be the hardworking public servants within SafeWork SA who will be marched out to provide the legal advice to the government on what does this all actually mean. It will probably be the lawyers. That is probably the sensible place to get legal advice in relation to these sorts of issues, together with the IR experts that exist within the Public Service as well. I have a range of other issues on this, but lunchtime beckons.

The Hon. R.P. WORTLEY: The advice received from Minter Ellison is highly qualified, and how it will apply is their interpretation. There is a department within SafeWork SA that deals with inquiries on modern awards. They are experts in that field, and they work on behalf of the Fair Work Ombudsman. So, I do have confidence in the interpretation they give me in regard to how these issues will apply in the modern awards.

Progress reported; committee to sit again.

[Sitting suspended from 13:00 to 14:15]

ANSWERS TO QUESTIONS

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

TOURISM COMMISSION

314 The Hon. T.J. STEPHENS (27 July 2011) (First Session).

1. Can the Minister for Tourism give a breakdown of the $0.9 million decrease in net cost due to 'the implementation of savings initiatives' referred to in Budget Paper 4, Volume 4, page 21; and

2. Specifically, what are these 'savings initiatives'?

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. & 2. The breakdown of the $0.9 million decrease is net cost due to 'the implementation of savings initiatives', referred to in Budget Paper 4, Volume 4, page 21, and includes:

Expenditure Savings:	
Reducing two FTE's in the Public Relations Unit	$141,000
Remove one Travel show launch for Shorts Book	$15,000
Reduce two FTE's in the in-house Creative Unit	$137,000
Decrease in costs associated with the enhancement project of the southaustralia.com consumer website	$1,128,000
Sub-total—Expenditure Savings	$1,421,000
Revenue Increases:	
Increase revenue associated with the Shorts/Visitors Guide	$85,000
Increase revenue associated with the enhancement project of the southaustralia.com consumer website	$250,000
Sub-total—Revenue Increases	$335,000
Sub Total	$1,756,000
These savings were offset by additional expenditure on direct consumer marketing activities	$856,000
Grand total	$900,000

LAND MANAGEMENT CORPORATION

324 The Hon. D.G.E. HOOD (14 September 2011) (First Session). Will the Minister for Infrastructure give an assurance that the Land Management Corporation has not and will not enter into a joint venture at Penfield, Blakeview and Evanston in contravention of Government policy?

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 Transport and Infrastructure has been advised:

1. As noted in the answer to Question On Notice 321 the South Australian Government does not have a policy that precludes the Land Management Corporation (LMC) from undertaking joint ventures. The land being developed by AVJennings at Penfield is being developed through a development deed between AVJennings and LMC, not a joint venture. Similarly LMC recently announced that it would enter into a development agreement with the Fairmont Group for the development of 107 hectares of land at Blakeview East released to the private sector earlier in 2011. LMC has yet to release land at Evanston to the private sector.

LAND MANAGEMENT CORPORATION

327 The Hon. D.G.E. HOOD (14 September 2011) (First Session).

1.

(a) Will the Minister for Infrastructure confirm that Holcon's parent company, Connor Holmes, has done and does work for the Land Management Corporation; and

(b) Was there a conflict of interest when this joint venture was entered into?

2. Will the Minister explain why the Land Management Corporation did not go through an open tender process in accordance with Government policy?

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 Transport and Infrastructure has been advised:

1.

(a) Yes, Connor Holmes is one of many hundreds of private sector organisations that undertake, or have undertaken, work for the Land Management Corporation (LMC).

(b) No.

2. In 2003, LMC called for Registrations of Interest (ROI) from the market to submit a development proposal in accordance with design guidelines and other criteria established to achieve the SOHO project outcome. Negotiations commenced with a preferred registrant, but in August 2004 this party withdrew on the basis that the share of profit required by LMC did not meet their profit share expectation.

Negotiations then commenced with the next preferred registrant through the ROI process, which was Holcon Australia Pty Ltd, and commercially acceptable financial arrangements were negotiated based on a joint venture agreement.

PAPERS

The following papers were laid on the table:

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

Reports, 2010-11—
Adelaide Health Service
Children, Youth and Women's Health Service
Country Health SA Hospital Inc
Department of Health
SA Ambulance Service
Education Adelaide Charter for 2011-12
Education Adelaide Performance Statement for 2011-12

LEGISLATIVE REVIEW COMMITTEE

The Hon. G.A. KANDELAARS (14:20): I bring up the fifth report of the committee.

Report received.

PAST ADOPTION PRACTICES

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) (14:20): I lay on the table a ministerial statement made today by the Premier, Jay Weatherill in another place on the issue of the apology for past adoption practices.

NATURAL RESOURCES COMMITTEE

The Hon. G.A. KANDELAARS (14:20): I lay on the table the report of the committee on Water Resource Management in the Murray-Darling Basin, Volume 3.

CAVAN TRAINING CENTRE

The Hon. I.K. HUNTER (Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (14:20): I seek leave to make a ministerial statement about the Cavan report received.

Leave granted.

The Hon. I.K. HUNTER: The report by the Department for Correctional Services on the escape by eight youths from the Cavan Training Centre on 27 February 2012 has now been released. Understandably, the escape and the particulars of the escape caused great concern. The public has a right to feel safe and have confidence that any child or young person who is detained in a custodial facility is detained securely.

The report contains detailed information on sensitive security issues, as well as details of the young people's actions leading up to and following the escape. The publication of sensitive

security information must be managed carefully, and it would not be in the interest of the public for all the information contained in the report to be published. To do so would jeopardise ongoing security in the training centre and may also compromise the ability to secure a prosecution against those offenders who escaped.

Additionally, section 63C of the Young Offenders Act forbids the publication of information which may identify a young person or their alleged offence. As such, certain text has been extracted by the Department for Communities and Social Inclusion to enable the report to be published. The advice of both the Department for Correctional Services and the Crown Solicitor's Office has been sought to ensure that only the information that would compromise the security of the centre, breach the Young Offenders Act, or compromise the ability to secure a prosecution against a young offender has been removed from the report.

We have released the report to reassure the public that these security matters are being taken seriously and are being addressed. I have also asked for officials from the Department for Communities and Social Inclusion to brief the opposition spokesperson on this matter, and I understand that this has occurred today.

The investigation by the Department for Correctional Services has highlighted the need to change some operational practices and processes at the facility. Whilst a number of the changes were implemented immediately following the incident, the report has revealed scope for improvement in the development of consistent managerial practices, and security and safety processes, as well as leadership for operational staff. A newly appointed General Manager of Training Centres has also commenced. The new general manager has extensive experience in custodial environments and has commenced reviewing current processes across the centres.

The fact remains that this escape should not have occurred, and the public has a right to expect better. As such, I have requested the chief executive of my department to immediately undertake a formal departmental investigation of these matters. The report lists key actions and makes several key findings. I have requested that a task force be established with responsibility for the implementation of these findings and actions, and I can advise that this task force is already underway. This task force will be overseen by a senior executive of the Department for Communities and Social Inclusion.

I can also advise that directly following the escape, and whilst the investigation was underway, the department undertook a series of actions to improve security and safety within the Cavan Training Centre. The immediate security repairs were completed, and options for improvements to the facility are being considered. An ongoing security review committee has been established for the management of risk. The committee is tasked with the development of new processes for monitoring and use of intelligence information and maintaining safe and secure facilities. This committee will serve as the mechanism for overseeing the security operations of the centre.

I would like to thank the Department for Correctional Services for its comprehensive report, and I advise that the Department for Communities and Social Inclusion will act on all the findings of the report. I am mindful that the Cavan Training Centre operates under the Family and Community Services Act 1972 and that, as minister, I must carefully balance security and community safety with the objectives of assisting children and young people to overcome their personal or social problems and to enjoy rehabilitation at the facility.

QUESTION TIME

REGIONAL DEVELOPMENT AUSTRALIA

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:25): I seek leave to make a brief explanation before asking the Minister for Regional Development a question about regional development boards and, in particular, Eyre Peninsula.

Leave granted.

The Hon. D.W. RIDGWAY: As members would recall, yesterday I asked the minister a supplementary question following a question from the Hon. Carmel Zollo about regional development boards. In particular, I asked:

> Can the minister explain why the Eyre Regional Development committee does not have any representation from agriculture, aquaculture or mining, given that they are the three biggest industries on Eyre Peninsula?

The minister then went on to say:

It is an open democratic process, where expressions of interest are called for. The three levels of government encourage people to be aware of the nominations being opened and encourage people with relevant expertise to nominate. It is an open process. I cannot go out there and force people to take up these positions. I am aware that there are gaps in some of the regions, and we will seek to encourage those people with the appropriate skill sets and interests to fill those positions in the future.

The bottom line is that no level of government—neither federal, state nor local government—has the power to mandate individuals to participate in this particular forum.

Mr President, I am further advised today that, indeed, some industry leaders from mining, aquaculture and agriculture did apply for the Eyre Regional Development Board. I am also further advised, Mr President, that the minister made representations to the federal Minister for Regional Australia (Hon. Simon Crean) to recall the process; however, minister Crean refused. My questions to the minister are:

1. Why did she approach federal minister Crean to recall the process?

2. Why are these important industries again not represented on the Regional Development Board?

3. I expect an answer today: did she or her office intervene after the closure of the expressions of interest?

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) (14:27): I thank the honourable member for his questions. I have to say I do not have any information about the recalling of the process that the honourable member has referred to. I have no information about that with me, and—

The Hon. D.W. Ridgway: With you?

The Hon. G.E. GAGO: I am unaware of any recalled process. If it occurred, I don't remember it, so I would have to take that question on notice, and I am happy to bring back a response. As I said, I have no knowledge of a recalled process, so I would have to investigate that. As I said in this place yesterday, I am absolutely sick and tired of members coming into this place—

Members interjecting:

The Hon. G.E. GAGO: —sick and tired of members coming into this place with snide innuendo, trying to defame and damage individuals and defame, damage and discredit hard-working agencies. Again, I challenge the honourable member: if he has any information whatsoever to suggest that any part of the process was not proper, I demand—I believe he is responsible, as a member of parliament, to make that evidence available to me.

Just for the record: his office has not, to the best of my knowledge, been in contact—certainly, not with me personally. The Hon. David Ridgway has not been in contact with me since yesterday. I do not believe that anyone from his office has contacted, certainly me personally, or anyone from my office, so we are not in receipt of any information or any level of detail, albeit tenuous, that might suggest that there was any impropriety whatsoever in relation to this process.

It is a disgrace that honourable members come in here and abuse the privilege of this house and hide under the cloak of protection in this house. We expect more of our members of parliament. With such a precious privilege comes a responsibility, and that responsibility is to use that privilege in a highly responsible way, and the Hon. David Ridgway has failed to do that in this place.

Again, I challenge him. If there is any skerrick of evidence, information or detail whatsoever to suggest any level of impropriety, then I challenge him to make that information available to me. As I have said, I will take swift and immediate action in relation to any wrongdoing or any impropriety that may have occurred, but I don't believe there was any. As I said, I challenge the honourable member to put forward any information that he has.

REGIONAL DEVELOPMENT AUSTRALIA

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:31): As a supplementary, will the minister provide a concise answer, yes or no? Did she or her office intervene with the selection of members for the Regional Development Board after the expressions of interest process closed? Yes or no? That is all we ask for.

The PRESIDENT: Order! The honourable minister has answered that question, and the honourable minister has asked you to furnish any information that you might have.

The Hon. D.W. Ridgway: So she can't say yes or no?

The PRESIDENT: Order! The honourable minister—

Members interjecting:

The PRESIDENT: I know from my day. I heard some answers that the Hon. Mr Lucas gave when he was a minister.

Members interjecting:

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

REGIONAL DEVELOPMENT AUSTRALIA

The Hon. J.S.L. DAWKINS (14:31): Will the minister indicate what level of dialogue took place in relation to the RDA Board appointments with the office of the federal minister, the Hon. Simon Crean?

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) (14:32): I am just not too sure what the question is. Is he asking what dialogue occurred between the federal minister's office and RDA applicants?

The Hon. J.S.L. Dawkins: No, you.

The Hon. G.E. GAGO: I believe that there would have been general information about the timing of the calling of officers and things like that, so some of those basic process issues would have no doubt been discussed in correspondence, or information passed on in correspondence: routine sort of stuff. I believe that I would have—and I am pretty sure I recall doing this—raised the issue of the representation of women on RDAs, encouraging and bringing to the attention of the federal minister the importance of having women represented in an equitable way on these boards. As with all work that I do, I very much promote the involvement of women to ensure that they are represented in our community at all levels. I believe I recall writing to him to encourage him to ensure that women were represented on these boards.

FISHERIES

The Hon. J.M.A. LENSINK (14:33): I seek leave to make a brief explanation before directing a question to the Minister for Agriculture, Food and Fisheries on the subject of fisheries poaching.

Leave granted.

The Hon. J.M.A. LENSINK: Earlier this year, two men were convicted of poaching almost half a tonne of abalone from the West Coast. While we are all pleased to see justice being done, the issue of abalone poaching is an ongoing blight on an industry worth some $100 million each year to the state. I have received representations from Kangaroo Island in relation to a noticeable drop in the presence of PIRSA officials policing that area, as well as some increased signs of poaching, such as fresh scrape marks on rocks and so forth. My questions to the minister are:

1. Given that licence fees increased by 37 per cent in some zones last season, does PIRSA have any new measures to prevent illegal fishing, or is the government relying on court cases such as this to deter would-be poachers?

2. How many authorised officers are directly employed to police our fishing zones compared to the previous 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) (14:35): I thank the honourable member for her most important question. Indeed, the successful prosecution recently of poachers is evidence of our wonderful PIRSA officers and inspectors doing their job. They do it extremely well, and I certainly commend them. They are a team of extremely dedicated and hardworking people who often have a difficult job to do in sometimes very challenging circumstances. Again, the honourable member brings to our attention the fabulous and successful efforts of these important officers.

PIRSA Fisheries and Aquaculture employs, I am advised, 43 Fisheries officers stationed in both metropolitan and regional areas across the state. The compliance group undertakes programmed compliance activities to educate fishers, deter opportunistic and financially motivated fishery-related crime, and also to enforce Fisheries and Aquaculture rules and regulations.

In support of the education and awareness programs, PIRSA Fisheries and Aquaculture employs two volunteer coordinators who manage about 100 volunteers to deliver the Fishcare volunteer program, which is mainly targeted at recreational fishing across the state. The volunteers commit in excess of 6,000 hours to provide information to over 24,000 fishers annually. I have spoken highly of the Fishcare volunteer group before in this place and I commend them for their wonderful efforts.

Fisheries officers conduct regular land and sea patrols utilising a range of vehicles and vessels, including the state-of-the-art 24-metre offshore patrol vessel FPV *Southern Ranger.* The delivery of Fisheries and Aquaculture compliance is programmed through a range of dedicated fishery-specific compliance plans for both the recreational and commercial fishing sectors. I am advised that 40 uniformed Fisheries officers are stationed at 10 locations across the state and three investigators also work around the regions.

Officers are supported by the Intelligence and Strategic Support Unit, which collates information and formulates targeted compliance activities to address the risks and issues identified in each fishery and aquaculture sector. Fisheries officers conduct programmed compliance activities, both on land and at sea, utilising vessels from 4.5 metres to 8.5 metres, so it gives them significant capacity. PIRSA Fisheries and Aquaculture also operates the state-of-the-art 24-metre offshore patrol vessel, FPV *Southern Ranger*, which has the capability to patrol from border to border and, I am advised, out to 200 nautical miles.

Dedicated fishery compliance plans for both recreational and commercial fisheries are developed to ensure the delivery of compliance activities in each fishery's risk base is intelligence driven and delivers cost-effective outcomes. These compliance plans include the three core strategies of education and awareness, effective deterrence and appropriate enforcement, and are directed at increasing voluntary compliance and maximising effective deterrence.

FISHERIES

The Hon. J.M.A. LENSINK (14:39): I have a supplementary question: were there any new measures as a result of the increase in licence fees?

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) (14:39): As I have outlined, we have a very significant program in operation with a significant number of officers and utilities, and we continue with those efforts.

MEDICAL HEATING AND COOLING CONCESSION

The Hon. S.G. WADE (14:40): I seek leave to make a brief explanation before asking the Minister for Communities and Social Inclusion questions in relation to the medical heating and cooling concession.

Leave granted.

The Hon. S.G. WADE: On 20 December, the minister reannounced a 2011-12 budget measure relating to the medical heating and cooling concession. In encouraging people to apply for the concession, he stated that up to 2,000 people would be eligible for $158 per year from 1 January 2012. In recent weeks, the opposition has received a number of complaints from consumers who applied for the concession in January but who have now been waiting in excess of two months for confirmation of their concession, let alone to receive it. My questions are:

1. How many people have applied for the government's medical heating and cooling concession?

2. How many of the applicants have been found to be eligible?

3. How many applicants are yet to have their eligibility confirmed?

4. How many people found to be eligible have started receiving the concession?

5. How long will the remaining applicants need to wait?

The Hon. I.K. HUNTER (Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (14:41): I thank the honourable member for his very important questions. As the honourable member said, the government launched the medical heating and cooling concession on 20 December 2011. The concession was announced in the 2011-12 state budget, with cabinet approving $1.8 million over four years to provide assistance to people on low incomes who incur high energy costs because of their medical need to use an air conditioner on a frequent and/or prolonged basis.

The medical heating and cooling concession is administered by the Department for Communities and Social Inclusion. It commenced from 1 January 2012 and provides $158 per year, initially backdated to 1 July 2011, increasing to $165 per year on 1 July 2012. The concession is available to South Australians who are either receiving an eligible Centrelink or Department of Veterans' Affairs pension or allowance or hold an eligible card and have confirmation from their doctor of their need for heating and cooling as a result of their medical condition.

I am advised that, as of 9 March 2012, there have been approximately 2,705 telephone inquiries and that 1,622 applications have been received. One hundred and thirty-four applications have been approved, and I am advised that three have been declined. Approximately 400 applicants require further follow-up, with applicants to obtain additional information before they can be assessed.

MEDICAL HEATING AND COOLING CONCESSION

The Hon. S.G. WADE (14:42): I have a supplementary question. Can the minister clarify this: with his reference to backdating to 1 July, does that mean that people who are currently experiencing delays of the grant of their eligibility will not lose out because their concession will be backdated for the period they have been waiting?

The Hon. I.K. HUNTER (Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (14:42): My understanding is that, if they are found to be eligible, it will be backdated.

ADELAIDE CONVENTION CENTRE

The Hon. G.A. KANDELAARS (14:43): I seek leave to make a brief explanation before asking the Minister for Tourism a question about the Adelaide Convention Centre.

Leave granted.

The Hon. G.A. KANDELAARS: As members would know, the Adelaide Convention Centre is undergoing redevelopment at the moment. The centre continues to thrive and generate significant economic benefit to this state. Will the Minister for Tourism update the chamber on some of the contributions made by the Adelaide Convention Centre?

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) (14:43): I thank the honourable member for his most important question. Indeed, the Adelaide Convention Centre is one of our great success stories. It has received many awards, both here and abroad, for its innovative practices. Corporate social responsibility is a priority for the board and management of the centre. I am very pleased to provide the chamber with an update on some of their recent initiatives that are not quite as obvious to the eye. I also note at this point that the Hon. Tammy Franks asked a question recently about the Convention Centre, and I am sure that she will find the following information particularly informative.

As I am sure many members can attest, the cuisine produced by the catering staff at the Adelaide Convention Centre is wonderful. This is especially impressive given the incredible volume of food created by their kitchens on any given night. The Adelaide Convention Centre works closely with two organisations, Foodbank SA and OzHarvest, to ensure that almost none of this food is wasted. I understand that surplus meals that have not left the kitchen are reconstituted and distributed through these two organisations.

I am pleased to advise that, by the end of the last financial year, the ACC had donated 31,550 individual meals to Foodbank SA, a not-for-profit organisation which coordinates the donation of food and groceries to welfare organisations around the state. In addition to this, since March 2011, the centre donated 2,393 kilograms of food, or 7,896 meals, to OzHarvest to feed people in the community experiencing disadvantage. Both of these initiatives are continuing this

financial year. It is worth noting that in 2009 the centre was awarded the SA Governor's award for support to Foodbank SA.

I should note for the record that for health and safety reasons not all surplus food can be redistributed. Any food that is deemed not fit for human consumption; that is, food that has already been served up or put in bins, is sorted and either converted to fertiliser using the biobin system or processed through the ACC's worm farm. I am advised that since 2008, the ACC worms have consumed over 14.552 tonnes of organic waste and produced 1,283 litres of worm juice and 3,599 kilograms of casting. This is used as fertiliser on the centre's gardens, again ensuring that waste at the ACC is minimised.

I understand the Convention Centre has set a goal to reuse and recycle 90 per cent of all event waste. I would like to recognise their tremendous efforts to achieve this outcome. This goal has been met; in fact I am advised that 97 per cent of food waste is currently recycled. Another recent environmental initiative has seen ACC staff volunteering their time to plant 750 native seedlings at a Trees for Life revegetation project at Myponga. I understand a further 2,250 native seedlings were also planted by staff in the ACC gardens during 2011-12.

The Convention Centre is a proud supporter of our state's world class food and wine producers, with 97 per cent of all food and beverage produce at the ACC sourced locally. As Minister for Agriculture, Food and Fisheries, I am particularly pleased to share that in 2010-11 the following was consumed at the centre: 7.5 tonnes of assorted lamb cutlets; 14.5 tonnes of chicken (over 18,000 standard size chickens); 15 tonnes of beef (over 1,000 head of cattle); 1,800 dozen oysters (21,600 oysters); one tonne of prawns (over 10 kilometres laid head to head); 36,000 litres of milk—

The Hon. R.L. Brokenshire: Yes; hear, hear! I am very proud, minister. You are doing well.

The Hon. G.E. GAGO: Thank you for that acknowledgement—10,000 cartons of eggs; 250,000 bread rolls (requiring 12 tonnes of flour); 25,000 stubbies and 27,000 litres of keg beer (some of that is local, some of it isn't); 125,297 litres of soft drink (some of which is local); and 43,000 litres of locally produced wine, which I am very pleased to note.

Conference delegates travel from all around the globe to attend events at the ACC, and I am delighted that when they get there they sample the very best that our state has to offer, in terms of clean, fresh food and world class South Australian wines. Business events play a vital role in our tourism industry, and I am advised that events held at the Convention Centre generated more than 100,000 bed nights in South Australia during 2010-11.

However, the considerable benefits the facility generates for our state do not stop there, and I am pleased to have the opportunity today to share a couple of ways the ACC is endeavouring to contribute to our state from a social and environmental perspective. I would like to acknowledge the very fine work done by the ACC chief executive and board and look forward to continuing to work with them to generate economic, social and environmental outcomes for South Australia.

TOURISM, SHARK CAGE DIVING

The Hon. R.L. BROKENSHIRE (14:50): I seek leave to make a brief explanation before asking the Minister for Tourism questions about shark tourism in the Neptune Islands Conservation Park.

Leave granted.

The Hon. R.L. BROKENSHIRE: Recently I was reading the *Port Lincoln Times* edition of Tuesday 20 March 2012. I was particularly interested in the page 3 article, entitled 'RDA sides with the three shark dive operators'. It begins:

> ... (RDA) Whyalla and Eyre Peninsula has lobbied the state government to allow three local shark cage divers to keep their licences instead of the two the government has proposed as part of a change of the licensing structure.

The article goes on to explain that the RDA has made that submission to the Department of Environment and Natural Resources on the basis that three of the current four operators had 'contributed significantly to the world famous tourism attraction'. In summary, all three operators offered completely different packages for shark dive experiences as well as different price points to their customers.

The decision on the successful two new licensees is set to be made on 1 April (three days' time). I understand that South Australia is the only part of Australia that offers cage diving experiences. Furthermore, in South Africa, the government is supporting a major increase in shark cage diving opportunities after learning from our industry here in South Australia. My questions are:

1. Does the minister support this reduction of regional development in economic opportunity in the Port Lincoln region?

2. Does the minister commit to seeing the Minister for Environment as soon as possible to delay the licence announcement until such time as the minister has satisfied herself that the concerns of the RDA, for which the minister is responsible in the parliament and government, have been addressed?

3. Will the minister commit to tabling in this place the scientific basis upon which the decision has been made to reduce the licensee numbers from four to two?

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) (14:52): I thank the honourable member for his most important question. Indeed, the great white shark cage diving is somewhat of an iconic tourism experience for South Australia. I am advised that the Neptune Islands, off Port Lincoln, are the only location in Australia where this occurs. That is the information I have.

In 2011, the Department of Environment and Natural Resources (DENR) licensed four operators to conduct shark cage diving at the Neptune Islands; however, I am advised that only two of these operators are licensed by PIRSA to discharge berley into the water to be able to attract sharks to the vessel. I believe that one other operator uses a form of sound vibration—

The Hon. D.W. Ridgway: A bit of AC/DC?

The Hon. G.E. GAGO: Yes, apparently a bit of rock and roll goes on out there on the waters. They do not use berley; they use these soundwaves to attract sharks. I understand that is the third licence. The fourth licence, I understand, is currently not being used. The three active tour operators are the Calypso Star Charters, Rodney Fox Shark Expeditions and Adventure Bay Charters. It is Adventure Bay that does not have the berley licence. As the honourable member identified, they operate three quite distinct and different tourism experiences around sharks, which is a very clever way to operate rather than compete and overlap. I believe that they are fairly successful.

Over the last two years, DENR has undertaken a review with PIRSA on the great white shark cage diving policy. The SATC has been a very active contributor in this process. I am advised that on 9 January this year, DENR issued a finalised policy that allows for an allocation of up to two licences, each for a period of up to five years.

The next phase of the expression of interest process commenced on 1 February, and I am advised that this will see the competitive allocation of two great white shark cage diving licences. Again, I understand that the SATC and PIRSA are being consulted as part of that selection process. I am further advised that the four current licences will have expired on 1 April this year, but they have been extended up until 1 July 2012.

The proposed limit of two licences is based on current CSIRO research that indicates that some behavioural changes occur around these sorts of activities, and this is likely to be a very contested process with the three current operators and a number of other interested parties obviously wanting to enter into the industry.

I can advise the honourable member that I have indeed met with the great white shark cage diving operators. A number of stakeholders formed a delegation and came and met with me and went through their issues. I was indeed very impressed with the way they operated and very sympathetic to their plight, and I have since met with the environment minister and discussed with him the issues that were put to me, and I have asked him to further consider that.

It is a very difficult issue, one of trying to get the balance right on the one hand. Clearly, we are working very hard to assist these tourism operators wherever we can. I was very happy a couple of months ago to visit Port Lincoln and assist one of the shark cage operators in a launch of a big publicity campaign using a Rex plane. I was very pleased to be part of that, as it was publicising this great tourism activity. As Minister for Tourism and Minister for Regional Development, I was very pleased to be part of that and to be able to support them in that way.

It is a matter of trying to get the balance right between a very vibrant, dynamic and successful tourism sector, while at the same time ensuring that, where there are interactions with marine environments, we are not damaging those environments, so that the two can live in harmony in a sustainable and long-term viable way.

SAFEWORK SA

The Hon. CARMEL ZOLLO (14:58): My questions are to the Minister for Industrial Relations. Will the minister please advise how SafeWork SA has assisted in ensuring the safety of workers and members of the community at Adelaide's recent major events, particularly the Clipsal 500?

The Hon. R.P. WORTLEY (Minister for Industrial Relations, Minister for State/Local Government Relations) (14:58): I thank the honourable member for her question. I like nothing better than talking about keeping workers safe, which is something we do very well. We are certainly in the thick of a major events season in Adelaide, and what a buzz these events create in our city. However, these events would not be the success they are without the valued efforts of a group of dedicated workers and volunteers and the participation of the good people of South Australia. Their safety is therefore an important consideration in the coordination and management of these events.

Since January, SafeWork SA has been busy reviewing safety provisions for the general public, on-site workers, contractors and volunteers at major events such as the Schützenfest, Santos Tour Down Under, the Big Day Out, the Garden of Unearthly Delights at the Adelaide Fringe Festival, WOMADelaide and, of course, the Clipsal 500. There is no denying that safety is paramount at all our major events, and SafeWork SA inspectors ensure a consistent approach to compliance with occupational health and safety and dangerous substances laws.

SafeWork SA inspectors provide advice and assistance to event organisers and occupational health and safety to ensure compliance with the relevant legislation. It is no coincidence that there has been a reduction of injuries in workplaces of 38 per cent since 2002. By the way, 2002 is not just a coincidental date: it is the date Labor came into office.

We take pride in the fact that we have increased resources to SafeWork SA. It provides a very good service to employers, working with employers to keep our workplaces safe, and leads the country in terms of keeping down workplace injuries. Hopefully, with the passing of the Work Health and Safety Bill we will be able to improve on that record.

We have just witnessed another exciting spectacle of motor racing on the streets of Adelaide with the Clipsal 500. SafeWork SA worked with event organisers, the South Australian Motor Sport Board and emergency services groups to ensure that detailed management plans were in place to effectively address occupational health and safety and public safety risks throughout the duration of the event.

Over the past three months SafeWork SA inspectors have monitored the construction of the temporary structures, grandstand seating and various scaffolding around the track. This also involved monitoring the extensive use of high risk plant and sighting compliance records from the certifying engineers before the commencement of the event. With the Clipsal 500 finished for another year, SafeWork SA inspectors are now monitoring the dismantling of the enormous quantity of infrastructure.

To ensure that improvements in safety continue each year, a debrief session will be arranged shortly so that organisers can continue to meet their commitment to safety. I congratulate the work of the SafeWork SA inspectors during Adelaide's major events season. Their role has made a significant contribution to the health and safety of all involved—workers and members of the community.

NATIONAL FOOD REGULATION

The Hon. M. PARNELL (15:01): I seek leave to make a brief explanation before asking the Minister for Agriculture, Food and Fisheries a question about national food regulation.

Leave granted.

The Hon. M. PARNELL: In answer to a question I asked in the last sitting week on the lack of place of origin food labelling, the minister said:

I understand the member's frustration. It has been a long-standing issue that has been debated for quite some time. I am sympathetic to the honourable member's sentiments. I think it is something that we should be moving towards at a more rapid rate. It is an issue that needs to be coordinated nationally. South Australia is attempting to assist in expediting efforts in that direction.

The work at a national level is undertaken by the Legislative and Governance Forum on Food Regulation. According to that forum's website, membership of the forum comprises ministers from the commonwealth, New Zealand and the states and territories. The commonwealth is represented by both the Minister for Agriculture and the Parliamentary Secretary for Health, New South Wales is represented by both the Minister for Primary Industries and the Minister for Health, and so too is Queensland, Victoria and Western Australia. However, in South Australia we are represented only by the minister for health.

It seems as if, despite having an entitlement to sit on this committee, the South Australian Minister for Agriculture, Food and Fisheries has not availed herself of that opportunity. So, whilst I welcome the minister's sympathy for the Greens' call for more information to be given to consumers and also accept the minister's assessment that these critical decisions are made nationally, we also have to note that the process for reform at a national level is moving at a glacial pace. My questions are:

1. Is it the minister's choice to not be a member of the national Legislative and Governance Forum in Food Regulation?

2. If it is not the minister's choice, will she now seek to join this COAG ministerial council that sets national policy on food regulation?

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) (15:04): This is a very sore point indeed, and one I have been attempting to address. In fact, I feel most strongly that as minister for primary industries I should be a member of that forum. I currently am not. I have written and requested that that be addressed. If I recall, I believe I have received correspondence back from the federal government representatives who denied my membership. I had then intended to take that up through the Premier and insist on it.

It is quite outrageous; as I said, it is quite a sore point. It is outrageous that both ministers here in South Australia are not represented. There are distinct policy issues that are most relevant to both portfolio areas, and I feel most strongly that I should be a member of it, and I believe I have quite a lot to contribute as well. So, it is something I am pursuing and will continue to pursue most vigorously.

INCOME MANAGEMENT

The Hon. T.J. STEPHENS (15:05): I seek leave to make a brief explanation before asking the Minister for Communities and Social Inclusion, representing the Minister for Aboriginal Affairs, questions regarding the government's position on income management.

Leave granted.

The Hon. T.J. STEPHENS: The NPY Women's Council has recently raised concerns with Jonathan Nicholls of the Paper Tracker about recent comments in the media regarding income management of those in remote communities. The women's council is concerned that income management, when completely compulsory, unfairly affects those who are responsible. It is also concerned that management services are not extended to those who are not on government benefits. The women's council wants stakeholders and the government to consider other methods of income management, such as voluntary management and services to those on salaries as well as benefits. My questions are:

1. What is the government's position on compulsory income management?

2. Given that the welfare of the state's Indigenous population should be of concern to the government, is it providing advice to the federal government regarding its administration of welfare and its appropriate distribution?

3. Will the government consider voluntary income management and the offering of income management services to those on non-government salaries?

4. What is the government doing to prevent welfare incomes being spent on harmful or non-essential goods, such as alcohol?

5. As I have previously asked, will the government commit to implementing an incentive-based welfare program, such as the link to school attendance introduced in Queensland?

The Hon. I.K. HUNTER (Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (15:07): I thank the honourable member for his most important question. I undertake to take that question to the Minister for Aboriginal Affairs and Reconciliation in the other place and bring back a response.

INTERNATIONAL WHEELCHAIR DAY

The Hon. J.M. GAZZOLA (15:07): My question is to the Minister for Disabilities. Minister, will you detail recent International Wheelchair Day celebrations, both here in Adelaide and internationally?

The Hon. I.K. HUNTER (Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (15:07): I would like to thank the honourable member for his very important question and his ongoing concern on these issues. On 1 March this year, I had the great pleasure of joining my parliamentary colleague the Hon. Kelly Vincent at International Wheelchair Day celebrations here in Adelaide.

Hosted by the Disability Information and Resource Centre (DIRC), the Adelaide celebrations were just the beginning of a series of events held across the globe to mark this occasion. International Wheelchair Day was established in 2008 by Mr Steve Wilkinson, an Englishman affectionately referred to by many people—and certainly by his mates—as Wheelchair Steve. Steve chose 1 March as the date for International Wheelchair Day, I am advised, for no other reason than it coincided with the birthday of his late mother, Joyce, and he thought it would be a lovely way to honour the woman who helped him to cope with the challenges of growing up with spina bifida.

Steve also told me that he came to do this by googling 'International Wheelchair Day' and, when nothing popped up on his search, he decided to establish it. That is a bit of a lesson for many of us who want to establish our own international day—it is as easy as that: use your search engine, find a day you want to celebrate and set about doing it. Steve established this International Wheelchair Day to encourage wheelchair users to reflect on the positive impact their wheelchair makes in their lives. It is a day to celebrate increased mobility, access—

Members interjecting:

The PRESIDENT: Order!

The Hon. I.K. HUNTER: Thank you, Mr President—and independence. Wheelchair Steve used this year's International Wheelchair Day to officially launch the International Wheelchair Club, a website that allows people with mobility issues to share their positive (and sometimes not so positive) experiences with each other—a kind of TripAdvisor for people in wheelchairs.

While it is impossible to accurately count the number of wheelchairs in use around the globe, the International Wheelchair Club has the potential to reach millions of people online, providing valuable knowledge and tips to people living with limited mobility. International Wheelchair Day was truly an international event. One of the highlights of the day, I am told, was a rally held in Kathmandu. Organised by the Kathmandu Spinal Injuries Resource Centre, 92 wheelchair users rallied under the banner 'We shall fly' to raise awareness within the Nepalese community around the need for improved access to roads and buildings.

Of course, wheelchair users in Third World countries such as Nepal face significant challenges that we here in Australia can only really imagine. That is not to say that there is always equitable access for wheelchair users here in Australia, but I think we would all acknowledge that we have come a long way in recent years. While there are certainly improvements that must be made still, our community is a lot more aware of our responsibilities in this area.

I thank the Disability Information and Resource Centre for hosting this year's event, and I would especially like to extend my thanks to Steve, who travelled from the United Kingdom to share International Wheelchair Day with the South Australian disability community. On the day, the Hon. Kelly Vincent and I committed to the community that we will be involved in planning for the next International Wheelchair Day.

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

INTERNATIONAL WHEELCHAIR DAY

The Hon. K.L. VINCENT (15:10): Given that the minister has indeed conceded that, while we have come a long way in terms of providing for people who use wheelchairs and other mobility aids in Australia, we still have a long way to go, what exactly is the minister and his department doing to ensure adequate provision of mobility aids such as wheelchairs for people with disabilities in South Australia?

The Hon. I.K. HUNTER (Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (15:11): I thank the honourable member for her supplementary question. Let me talk about the access to wheelchairs through government departments. Initial assessments are conducted by the Adult Specialised Services Intervention and Support Team (ASSIST). For clients with critical issues and at extreme risk, the referral is usually allocated within one or two weeks. Clients who are classified as a priority for wheelchair allocations but who are not at extreme risk can wait up to four months for assessment, depending on the availability of specialist staff.

The time it takes to build a chair after this initial assessment is dependent on the complexity of the wheelchair required. For simple wheelchairs without significant modification, I am advised that supply times are just several days. Obviously, the more complex the modifications to chairs, the longer it will take to produce a product for that client. According to the Domiciliary Equipment Service report, as of 29 February 2012, there are a total of 240 adults still waiting for the final prescription through ASSIST. I cannot give you a time on how long it has taken them; it depends on whether it is a simple case or a much more specialist job.

The PRESIDENT: Further supplementary, the Hon. Ms Vincent.

INTERNATIONAL WHEELCHAIR DAY

The Hon. K.L. VINCENT (15:12): How many specialised staff to fit people for appropriate wheelchairs are currently available?

The Hon. I.K. HUNTER (Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (15:12): That is an answer I do not currently have in my head. I will have to bring back a response for the honourable member.

FINES PAYMENT UNIT

The Hon. D.G.E. HOOD (15:12): I seek leave to make a brief explanation before asking a question of the minister representing the Attorney-General regarding fine defaulters in South Australia.

Leave granted.

The Hon. D.G.E. HOOD: A recent freedom of information request by myself concerning the efforts of the government to collect unpaid fines through the Fines Payment Unit revealed some very interesting data. In fact, one particular figure given with respect to the last financial year showed that the amount of fines imposed was $128 million, but of that amount only $74.8 million was actually collected. That means some $53.1 million, or 41.5 per cent of that amount, was not collected.

The request also revealed that the procedure under section 67 of the Criminal Law (Sentencing) Act of 1988 provides that, if the whereabouts of a fine defaulter are unknown, the Fines Payment Unit may publish the names of such defaulters in a newspaper in order to prompt the public to inform the Fines Payment Unit of that individual's whereabouts. My questions to the minister are:

1. Does he regard the performance of the Fines Payment Unit as satisfactory? If not, what is the reason for the failure to achieve a satisfactory result?

2. Can the minister explain why the procedure to publish in a newspaper the names of such fine defaulters whose whereabouts are unknown was not used even once during the last financial year, despite the fact that they have the power to do so?

3. Has the Fines Payment Unit been able to access information as to the address of fine defaulters from other state government agencies, such as the Registrar of Motor Vehicles or Housing SA, as they are entitled to do?

4. What is the fee or percentage to be paid to Dun & Bradstreet for the collection of debts from fine defaulters under the arrangements that he announced earlier this 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) (15:14): I thank the honourable member for his most important questions and will refer those to the Attorney-General in another place and bring back a response. However, I have some preliminary information I have been advised of; that is, the state government has contracted leading global credit reporting and collections company, Dun & Bradstreet, to chase fine dodgers and return millions of lost dollars to South Australian taxpayers. I am advised that the company will focus on locating people who are responsible for about $47 million of long-term outstanding fines and penalties which have so far proven to be unrecoverable.

Dun & Bradstreet will be paid a commission on the fines they collect, meaning that there will be no up-front cost to the government for its work seeking outstanding court-managed debt. I have been further advised that the contract is the first phase in the government's review of the state government fine collection, and proposals for fine collection reform are being finalised following a review last year which considered a comprehensive range of issues, including whether the management of fines payment should be removed from the courts. As I said, in terms of the detail of those questions asked by the honourable member, I will refer them to the Attorney-General and bring back a response.

FINES PAYMENT UNIT

The Hon. D.G.E. HOOD (15:16): I have a supplementary question. Is the minister aware of the rate of commission being paid to Dun & Bradstreet?

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 believe that was part of his initial question, and I said that I would take those details on notice and refer them to the Attorney-General and bring back a response.

HOMELESS2HOME

The Hon. J.S. LEE (15:16): I seek leave to make a brief explanation before asking the Minister for Social Housing a question about the Housing SA Homeless to Home strategy.

Leave granted.

The Hon. J.S. LEE: Reported last week in InDaily, the Migrant Women's Support Service, a state-funded agency looking after migrant victims of domestic violence, stated that women and children are being housed in motels in a flawed new strategy that is supposed to find homes quicker for migrants. In late 2010, a new Housing SA strategy, the Homeless to Home strategy, was implemented and, as a result, migrant women are finding themselves adrift in a confusing manner with welfare services since this change.

It has been reported that many of these migrant women from Adelaide finish up being offered accommodation in regional South Australia. The InDaily report stated that Homeless to Home was intended to streamline the delivery of support services to people from culturally and linguistically diverse backgrounds. However, the strategy added layers of confusion and distress to the clients and workers of the Migrant Women's Support Service agency, and it has also reduced its budget for frontline services by almost 20 per cent. My questions are:

1. Does the minister believe the Homeless to Home strategy is providing adequate support services to people from culturally and linguistically diverse backgrounds?

2. How will the minister address the problems faced by migrant victims of domestic violence who are located in regional areas of South Australia with no guarantee that these women will be able to maintain contact with cultural domestic violence workers with whom they have already established a rapport?

3. When will the minister review the government's housing strategy and its budget to look at providing more appropriate services for these disadvantaged women, and how does he intend to get these women back on their feet and into a home?

The Hon. I.K. HUNTER (Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (15:18): I would like to thank the honourable member for her most important question. In 2010, Housing SA

reformed the homelessness and domestic violence sector to ensure that people could access services in every region across the state. The reform included changes and investment in the domestic and Aboriginal family violence service sector in line with the new legislative and policy directions of state and commonwealth governments.

Overall funding to domestic and Aboriginal family violence services post reform has increased by 28 per cent. One of the major changes in the reform was to ensure statewide access to all regional domestic violence services for cultural and linguistically diverse (CALD) women and their children experiencing domestic violence. Following the reforms, all regional domestic violence services have a target to work with 8 per cent of CALD clients.

In addition, a new statewide CALD domestic violence service was intended to provide both service delivery to CALD women and their children in partnership with regional domestic violence services as well as sector support and training to increase the capacity of all services to respond to this target group.

The Migrant Women's Support and Accommodation Service operates the statewide CALD domestic violence service. Prior to the implementation of the homelessness reforms, the Migrant Women's Support and Accommodation Service provided the only response to CALD women and their children experiencing domestic violence in South Australia.

Through creating working partnerships between regional domestic violence services and the statewide CALD domestic violence service, the new service system now provides accommodation and support to CALD women and their children via a network of domestic violence services across South Australia, as well as the provision of specialist knowledge and support from the CALD-specific service.

I am advised that there are 13 regional domestic and family violence services across South Australia, as well as three Aboriginal-specific services and four statewide domestic violence responses, including a central gateway service and a specific response for women and children from culturally and linguistically diverse (CALD) backgrounds. Our new 8 per cent CALD target was included in every regional domestic violence service contract.

The question asked by the member was: are we satisfied with this response? Of course, we can always do better, and it is the desire of this government to improve on the service delivery we provide right now. I advise further that domestic violence intervention orders help to keep victims in their homes, where they can be supported by their families and friends. Intervention orders help to remove the perpetrator from the home quickly while securing and protecting victims, and securing and protecting victims will always be the priority of this government.

EW STEPHENS TRUST SCHOLARSHIPS

The Hon. G.A. KANDELAARS (15:21): I seek leave to make a brief explanation before asking the Minister for Agriculture, Food and Fisheries a question about agriculture.

Leave granted.

The Hon. G.A. KANDELAARS: Demographers tell us that the population bulge of baby boomers, who have sustained out society for such a long time, is giving way to smaller latter generations. So, there is the need for renewal to make sure that we have young people trained to take the place of their elders. This, I am sure, applies in agriculture, as it does in other areas of endeavour. Will the minister advise of recent opportunities provided to young South Australians who are engaging in studies in agriculture?

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) (15:22): I thank the honourable member for his most important question. I know the member has a very keen interest in ensuring that young people have opportunities. As someone who grew up in a regional township and who travelled (initially very reluctantly, I have to say) to the city to further my education, seeing young people from the country gain an opportunity to further their studies is something I am very committed to, and I believe it is a very important thing.

Taking that first step into the unknown can be a very difficult thing for kids from the country. Not only do they leave the familiarity of their home but the physical surroundings of a city, even one as liveable as Adelaide, can be very foreign and very daunting, and the tyranny of distance can mean that it is very hard to get back home regularly to see family and friends. So, it was a great

pleasure for me to participate in the presentation of scholarships funded by the EW Stephens Trust to young South Australian women who have set their signs on studies in Agriculture.

It was interesting when I shared stories recently with two young women who are now living in Adelaide. One of them told me that she travels home every single weekend and that every Sunday, when she leaves home to come back to Adelaide, she cries. I can certainly empathise with that. I certainly went through a very difficult period myself, where I would go home every single weekend and then travel back to the city. It was heart-wrenching to leave every Sunday, I have to say. I was able to reassure her that that does pass. I certainly learnt to love the city I studied in and then worked and lived in for some time before I moved here.

This trust was set up about 20 years ago due to the bequest provided by a former builder, the late Ernest Stephens. The annual scholarships assist students from the country, particularly isolated areas, to undertake courses of study at senior secondary or tertiary level. The scholarships have provided assistance to students to pursue a range of academic areas, including veterinary science, agriculture, science, maths and social work, as well as helping secondary students to complete years 11 and 12. The South Australian Farmers Federation administers the trust, which has provided $145,000 in assistance since 1990. I acknowledge the valuable contribution SAFF plays in administering that fund and its good work.

We know that education can open doors and bring opportunity and a variety of life experiences. It is so important that our young people be given every chance to undertake and further their education as much and as far as they can. That opportunity should not be limited by distance or access. It was especially pleasing to me that this scholarship has been awarded to two very promising young women from regional areas.

Amy Gutsche, aged 19, from Yorketown (at the base of the Yorke Peninsula), is working on a three-year Bachelor of Agricultural Sciences at the University of Adelaide. She is a keen netballer, who worked as a receptionist in 2011 to help fund her studies. She plans to return to the country on the completion of her course.

Emma Spaeth, from Wilmington in the Mid North, comes from a mixed cropping and grazing farm and completed year 12 at Boolaroo Centre District School. She has demonstrated her interest in animals and I understand has had some practice in showing her Maine-Anjou stud cattle at regional events. She plans to follow that up in the future with studies in science that lead into the veterinary path and develop into breeding quality cattle in the years to come.

Both these fields of study are very appropriate, because today's farmer obviously needs a wide range of skills in a number of areas. A successful modern farmer can be very much a technologist, climatologist, engineer, marketer, livestock or crop expert, business planner, the list goes on. The E.W. Stevens scholarship program is an important way of recognising the achievements of rural students and encouraging them to excel in their fields of interest.

It was very pleasing to congratulate Amy and Emma in person and to meet with their families and play host to them in Parliament House. It is great to see their families encouraging them. Again, I congratulate them on their diligence in their studies and their families on providing the supportive and encouraging environment which has enabled them to win this scholarship support, and I look forward to hearing more about their successes in the years to come. I am sure Ernest Stevens would be delighted with the quality of the recipients of his award, and would anticipate both contributing to the productivity of agriculture in this state.

ANSWERS TO QUESTIONS

APY LANDS, SUBSTANCE MISUSE FACILITY

In reply to the **Hon. T.J. STEPHENS** (9 November 2010) (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): The Minister for Aboriginal Affairs and Reconciliation has been advised:

1. & 2. Due to a marked reduction in petrol sniffing on the APY Lands and the findings of a review into the utilisation of the Amata Substance Misuse Facility, in September 2011 the Commonwealth and State Governments announced that the Amata Facility is to be modified to become one of three Family Wellbeing Centres on the APY Lands. This will optimise the use of the Facility and provide integrated child and family support services.

BACKPACKERS

In reply to the **Hon. T.J. STEPHENS** (13 September 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. Backpacker numbers to South Australia have fallen from 99,000 (year ending 30 June 2010) to 88,000 (year ending 30 June 2011)—a drop of 11 per cent.

Due to both global and local issues, New South Wales, Queensland and the Northern Territory have also recorded similar declines over the past 12 months.

Research by the Australian Tourism Export Council, Tourism Australia and industry partners released in May 2011 shows that the backpacker industry across Australia is facing challenging times due to:

- The high Australian dollar;
- Lagging effects from the 'global financial crisis' in 2009 and the economic situation in Europe/America.
- Increased competition from other areas such Africa, Asia and South America; and
- Queensland floods and Cyclone Yasi disrupting the 'natural flow' of backpackers around Australia

2. South Australian Tourism Commission (SATC) Offices in the United Kingdom, Germany and France have budgeted to run four marketing campaigns in 2011-12 to target youth and adventure travellers.

In 2011-12 SATC will work with South Australian tourism operators to increase the amount of content featured in local backpacker publications such as TNT Magazine, Base City Guides, Nomads Travel Guide and Detour Magazine, and to run travel agent familiarisation visits and trade training evenings in Sydney and Melbourne.

SATC are currently in discussions with trade partners regarding a multi country campaign in the United Kingdom, Germany, France and Italy targeting the working holiday/youth market.

3. Under the South Australian Tourism Plan 2009-14, South Australia is targeting a high yielding domestic segment (primarily in Melbourne and Sydney) and also the market segment identified as high yielding International Experience Seekers.

SATC expects the majority of tourism growth to come from high spending visitors from the Eastern seaboard, as well as international visitors.

For the year ending 30 September 2011, total travel expenditure in South Australia was $4.7 billion (up 6.9 per cent on a year ago). Nationally, expenditure grew by 0.9 per cent over the same period.

MATTERS OF INTEREST

AFRICAN FESTIVAL

The Hon. CARMEL ZOLLO (15:27): As members of parliament, we often have the pleasure of being invited to celebrations from many community groups. One such group is the African Communities Council of South Australia. In recent years, their festival has grown from strength to strength and this year it was held during our Fringe Festival and moved to Hindmarsh Square in the city.

The council, over the past 12 years, has provided a platform to promote and support the contribution of African South Australians to our society, both at the social and economic level. Some 17,000 African-born people call South Australia home today. As a migrant to this country myself, it is interesting to watch and see a new wave of migrants progress from new arrivals to full participation in all community life.

Without any doubt, that could not happen without the support, advocacy and leadership demonstrated by peak bodies like the African Communities Council of South Australia. The council represents the interests of 42 African community groups and organisations across our state. It

works tirelessly across all areas, from delivering settlement services to planning for the needs of older Africans, as well as recognising the need to empower women and the young.

Before talking about this year's festival, I think it important to place on the record that last year saw a great deal of acknowledgement and celebration in our state as part of the United Nations proclamation of 2011 as the International Year for People of African Descent. The commemorative dinner, in particular, was, I understand, a tremendous special occasion and success.

When speaking about the African community, one name is synonymous with its leadership and that is, of course, Dr Joseph Masika, who has been the chairperson of the African Communities Council of South Australia since 2007. Dr Masika is respected for his tireless voluntary work in his community, spanning some 27 years, 12 of those overseas. He continues with his passion of volunteering with migrants, refugees and multiculturalism, as well as underprivileged communities overseas. He has strengthened and added to his academic qualifications in order to advocate for the effective settlement of community members of new and emerging communities.

It is no surprise that Dr Masika was an African Man of the Year Award winner last year. Besides all his volunteer work, he is able to assist at the coalface on a day-to-day basis as a manager of multicultural health, advocacy, counselling and education at the Migrant Resource Centre of South Australia. More recently, I was particularly pleased to see his appointment as a commissioner to the South Australian Multicultural and Ethnic Affairs Commission as well.

The festival is a great occasion to support our African community in South Australia, to catch up with friends and hear some tremendous music, see some great rhythmic dancing and hear some beautiful voices. I have known Dorinda Hafner, an African Australian Woman of the Year, for many years. Dorinda is a passionate foodie for South Australia, among her many talents. The point was made by some people that when Dorinda arrived in South Australia she was probably one of the few, if not the only, African born woman we knew. I am pleased to say that is no longer the case.

In her address this year, minister Jennifer Rankine highlighted the achievements of those of African descent, ranging from sporting achievements to their prominence among the finalists and winners of the 2011 Governor's Multicultural Awards. The minister also highlighted that she had the privilege of launching a new Settlement Services Finder on the Multicultural SA website, which essentially allows people to discover the type of services available for their particular needs. She was also very pleased to be able to present a cheque from the government's Multicultural Grants Scheme to go towards the cost of staging this wonderful festival.

The Hon. Senator Kate Lundy—now a minister, but in her then capacity as Parliamentary Secretary for Immigration and Multicultural Affairs—has always brought a special message of support to the community and demonstrated the federal government's commitment to settlement and multiculturalism. From memory, there were 12 or so members of parliament present on the day in support of the festival, both from the government and the opposition. I congratulate everyone who worked so hard to ensure the success of the 11th Annual African Festival.

HEALTH DEPARTMENT ANNUAL REPORT

The Hon. R.P. WORTLEY (Minister for Industrial Relations, Minister for State/Local Government Relations) (15:32): I table a copy of a ministerial statement relating to the tabling of SA Health's annual reports made earlier today in another place by my colleague the Hon. John Hill, Minister for Health and Ageing.

MATTERS OF INTEREST

KURDISH COMMUNITY

The Hon. J.S. LEE (15:33): I rise today to speak about the Middle Eastern Communities Council of South Australia and more specifically about the celebration dinner for Nawroz by the Kurdish Community Association. It was a great honour to be invited by Dr Borhan Saaid, the chairperson of the Middle Eastern Communities Council of South Australia, to celebrate the Kurdish New Year called Nawroz with the Kurdish community on Friday 23 March.

It was the first time I have attended such a function. I was totally immersed in the rich Kurdish culture, colourful and glamorous traditional costumes, as well as wonderful music and dance performances. I remember the evening with fond memories and would like to place on the

record my sincere thanks to the South Australian Kurdish community for their generous hospitality and warm reception.

I also take this opportunity to pay tribute to Dr Borhan Saaid, the chair of the Middle Eastern Communities Council. Dr Saaid was recognised as the Volunteer Award winner of the Governor's Multicultural Awards in 2009. Honourable members in the chamber will know that the awards honour outstanding contributions to promoting social harmony and inclusivity and the positive influence of cultural diversity in the community.

Dr Borhan Saaid is a pillar of strength for the Kurdish community. He has been active in bringing together Middle Eastern communities and fostering respect and understanding across religions, most notably through Project Abraham, celebrating the common threads of the Muslim, Jewish and Christian religions. I personally would like to thank and congratulate Dr Borhan Saaid for his wonderful contributions to foster harmony within our growing multicultural society.

By participating in a Kurdish new year celebration, I learned that Nawroz is the most important festival in Kurdish tradition. Nawroz is a Persian word: 'naw' means 'new' and 'roz' means 'day', so the direct translation for Nawroz is 'new day'. For Kurds and Iranians Nawroz is the beginning of the new year. It falls on 21 March, the first day of spring. It is the sign for the new season and to welcome spring when the snow stops falling and the weather starts to warm up.

The festival symbolises the victory of light over darkness, the celebration of new life and freedom from oppression. For many Kurdish people it is the day of freedom, the history of justice and the nation's victory. While the origins of the festival date back some 5,000 years, due to cultural oppression after the division of Kurdistan, Nawroz has not been openly celebrated by the Kurds until recently. Nawroz was registered on the International Day of UNESCO List of the Intangible Cultural Heritage of Humanity on 23 February 2010.

Many Kurdish community members who have established their base in countries such as the United Kingdom and Australia have started to celebrate Nawroz openly again. Some members of the Kurdish community around the world will use the Nawroz festival as a vehicle to campaign for human rights and freedom from oppression. This year, for example, clashes erupted during Kurdish new year celebrations in Turkey, and injuries and arrests were reported. Police fired tear gas and water cannons to prevent more than 40,000 Kurds from gathering at a main square.

Such an incident highlighted how lucky we are to be living in a democratic country like Australia. Not only do we welcome migrants in this country but also respect and celebrate their cultures and traditions as part of the rich fabric of our multicultural society. Perhaps there is no coincidence that 21 March is also Harmony Day—the same day as the Kurdish new year, Nawroz. Harmony Day is celebrated around Australia on 21 March each year and is the day where all Australians celebrate our cultural diversity. March 21 is also the United Nation's International Day for the Elimination of Racial Discrimination.

I especially encourage honourable members of parliament to remember 21 March as a special day, because it is Nawroz, which is a new day, it is Harmony Day and it is United Nations International Day for Elimination of Racial Discrimination. To acknowledge and observe the significance of 21 March will help us preserve the democratic beliefs of Australia and its people by working hand in hand and standing shoulder to shoulder we uphold the value of freedom, human rights and justice for all South Australians.

Time expired.

ANNA STEWART MEMORIAL PROJECT

The Hon. J.M. GAZZOLA (15:37): I bring your attention, sir, to an important annual project, the Anna Stewart Memorial Project. Anna Stewart changed the lives of many Australians, being an exceptional role model for women and a representative for the rights of women in the workforce. Anna Stewart was a former journalist and Victorian union official from 1974 to 1983, when she tragically died at age 35.

Her strong involvement with the union movement was inspirational to many, and her work continues throughout the country. She began her work during a time when women comprised only one-third of the workplace, and those women faced many challenges. Women were poorly paid, lacked job security and had to fight for recognition.

Anna developed strategies and policies for women to address the important issues they faced and still face in the workplace. She worked to increase women's involvement in unions,

promote both the awareness of the needs of women and the importance of women in the development and growth of unions. Following her death, her colleagues and friends wanted her to be remembered and honoured for her work and the contribution she made towards equality in the workplace.

The project was then established by the Municipal Officers Association, one of the foundation unions to the ASU, and over 1,000 women have participated across the country to date. The project is a two-week, union-run course that is held annually in all states, during which the participants visit worksites and take part in workshops and mock industrial relations hearings and listen to speakers. The aim of the project is to pay tribute to Anna Stewart and to continue her work with the involvement of women in the unions.

The project raises awareness of the needs of women members and the important contribution they make to the growth of unions. The course promotes women's understanding of the day-to-day operation of unions, encouraging the integration of women into these structures. Of course it also facilitates a greater awareness within the unions of the issues women face in the workplace in both blue and white collar occupations and aims to resolve these issues.

Of course, all this takes money and help. The South Australian program receives $5,000 from the Minister of the Office for Women annually, and SA Unions funds the rest.

Many well-known women learnt their ropes through this project, including Fay Donaghy, who participated in the very first South Australian group of the Anna Stewart Memorial Project in 1986. She is the Australian Services Union industrial team leader. There is also Melanie Sjoberg, who became a manager of workforce relations at PSWR. In 1988, Gail Gago participated, stating:

> I have always had a strong sense of what needed to be done—the Anna Stewart Memorial Project helped me to understand how to do it.

In 1991, Kate Reynolds was a participant. As most of us know, she became an Australian Democrats member of this Legislative Council.

Anna Stewart was a role model to women and demonstrated that women could capably and effectively balance work and family. She also helped to raise awareness of issues that parents face while at work, including child care and maternity leave. Anna led the first campaign in the seventies for child-care facilities in male dominated workplaces, such as car plants. She also fought for pay equality and brought our attention to sexual harassment in the workplace and how to prevent it. Anna Stewart worked with the ACTU in the process of fighting for maternity leave.

I conclude by saying that the Anna Stewart Memorial Project is an excellent project, and many women can benefit from taking part in the two-week course. It is important that we all recognise Anna's work and continue to encourage women to become active union members. Women unionists are lucky to have Anna's example to support them in the struggles they still face today. This year, the project is being conducted in May, and I wish the recipient and the ASU all success in the venture.

FREEDOM OF INFORMATION

The Hon. R.I. LUCAS (15:41): I rise to speak about freedom of information and an important decision that has recently been taken by the Ombudsman. Members will be aware of Mr John Bistrovic, a loyal foot soldier of the Labor right in South Australia. He has served in a number of ministerial offices: with then minister Wright and then deputy premier Foley, and he left in early 2011 for a very brief career with minister Ellis in the federal arena. More recently, as you would well know, Mr President, the right has insisted on placing within the left-wing Premier's office certain key staff of the right, just keep an eye on what is going on in that office. Mr Bistrovic has been given that task, as a representative of the right, to keep an eye on what the lefties are doing in the left-wing Premier's office.

For some time I have been pursuing not just Mr Bistrovic, I might say, but details of taxpayer funds paid out in relation to ministerial contracts. In November last year, I made an application which, as it turned out, related to Mr Bistrovic and what taxpayers paid for any payout of leave and other entitlements. Unsurprisingly, as is the way with the Labor right in South Australia, they fought the release of this information all the way through. It was refused on first application, and on internal appeal it was further refused. The Ombudsman made some initial discussions, and Mr Bistrovic trenchantly refused any release of information which would indicate any details of what taxpayers have paid out in relation to his contract entitlements.

Only very recently, the Ombudsman has made an important ruling. He said that he does accept that Mr Bistrovic's remuneration details, including payments made in relation to the cashing out of his leave entitlements, constitute information concerning his personal affairs within the definition of the act. He went on:

> In assessing whether disclosure of this information would be unreasonable, Ms Chapman's—

who is the FOI officer—

> argument that 'it is unreasonable disclosure of [Mr Bistrovic's] personal affairs to release the documents to a third party' is insufficient.
>
> The remuneration details in the documents concern payments made to Mr Bistrovic as a public officer, from the public purse. While Mr Bistrovic objects to disclosure of information recorded on these payments, there is a public interest in favour of disclosure which centres on the need for accountability of expenditure of public monies. This outweighs Mr Bistrovic's objections, and any privacy (if any) which may attach to the details. In my view it would not be unreasonable to disclose the information.
>
> I note that there are many cases in which the remuneration of public officers has been disclosed under freedom of information legislation.

I say, 'Hear, hear!' to that. This is taxpayers' money, and the Ombudsman is saying that, just because you believe that the amount of money that is paid to you, or that is paid out to you under your contractual entitlements—in this case, the cashing out of the rec leave that Mr Bistrovic had not taken was $33,000.

Obviously, there were termination payments and other payments which he would have been entitled to as well but, in relation to this particular aspect, he had not taken annual leave or recreation leave; he had accumulated it. Mr Bistrovic obviously went through to the very highest level, which was chief of staff, and he got paid out his rec leave at the very highest level, which was the $130,000 a year that he was being paid as chief of staff in minister Foley's office.

It is an important decision, because this is public money—taxpayers' money—and just because you say to the FOI officer, 'This is intrusive of my personal affairs and I don't want it released', and all the FOI officers dutifully go off and refuse to release the information—the Ombudsman is saying, 'You are a public officer. You are paid by the public and the taxpayers, and what you are paid is entitled to be known by the parliament, the public, media, community, and the taxpayers at large.'

So often we have had the government claiming confidentiality in relation to not just ministerial advisers and their payouts but also public servants, senior and otherwise. On this decision, this information should now be released, and we look forward to a new openness, transparency and accountability, thanks to the Ombudsman.

ILLICIT DRUG USE

The Hon. D.G.E. HOOD (15:46): I would just like to make a brief contribution today on an issue we sometimes hear of in the community. I understand why people would say this; in one sense, there is an element of correctness to it, that is, that alcohol in particular (but I think tobacco as well) causes more harm in the community than illicit drugs. In once sense, that is correct, because when you look at it on a per population basis, alcohol is something that is used by many, many more people in our community than use what are currently illicit drugs.

So, from that strict interpretation, it is correct, but I guess the real issue we should be focused on is the relative harm that these drugs do, that is, the harm that is caused relative to the number of people who use those drugs. I would like to put on the record in the brief time I have—and perhaps continue this discussion during other matters of interest in the future—some data which I think is absolutely compelling, in terms of making it clear to us as a society that there are in fact very real risks associated with illicit drug use.

Whilst alcohol and other currently legal drugs also have harms associated with them, I think that when we properly compare—that is, apples with apples—then currently illicit drugs, in most cases, lose hands down. According to one university study in the US:

> ...A given dose of cocaine or crack is far more dangerous than a drink of alcohol. Alcohol has an addiction rate of 10 percent, whereas cocaine has an addiction rate as high as 75 percent.
>
> And when cocaine is combined with marijuana, it can be deadly. According to a study in Pharmacology, Biochemistry and Behaviour, an increase in heart rate due to cocaine was markedly enhanced if preceded by smoking marijuana. The dual use creates a greater risk of overdose and more severe cardiovascular effects from the

cocaine. An article in Schizophrenia Research found that up to 60 percent of schizophrenic patients used non-prescription psychoactive drugs.

By itself, marijuana can be a dangerous drug as well. A joint of marijuana is far more carcinogenic than a cigarette. Microbiologist Tom Klein of the University of South Florida reports, 'We've tried working with [marijuana smoke], and it's so toxic, you just get it near the immune system and it [the immune system] dies.' Klein found that THC [tetrahydrocannabinol—the active ingredient in marijuana] suppresses some immune system responses and enhances others.

A study of in the Journal of Allergy and Clinical Immunology found that marijuana smoke is often contaminated by the fungus, Aspergillus. Another study in the Journal of the American Medical Association found that cases of allergic sinus infection with the same fungus came from recreational use of contaminated marijuana.

A study in *Drug and Alcohol Dependence* found that cannabis users react very slowly in performing motor tasks and suffer disability in personal, social and vocational areas in many cases. They also indicate a higher score for neurotic and psychotic behaviour. A study in the *American Review of Respiratory Disease* found that marijuana smoke is as irritating as tobacco smoke to many people and, when used together, marijuana and tobacco caused the small oxygen exchanging parts of the lung to shed cells that first become inflamed.

A 1995 study in the *New England Journal of Medicine* suggests that illicit drugs such as marijuana and cocaine can interfere with male sperm production. A study in the journal *Cancer* found that the children of women who smoke marijuana are in fact 11 times more likely to contract leukaemia. Mothers who smoke marijuana also contribute to low birth weight and developmental problems for their children and increase the risk of abnormalities, similar to those caused by foetal alcohol syndrome, by as much as 500 per cent.

Kasi Sridhar, a professor at the University of Miami's Sylvester Comprehensive Cancer Center, reports finding large numbers of marijuana smokers amongst young cancer patients. While only 17 per cent of the patients in his study were marijuana smokers, two-thirds of the patients younger than 45 actually smoked cannabis.

Since the 1970s, there have been more than 10,500 scientific studies which demonstrate the adverse consequences of marijuana use. Many of these studies draw upon data collected when most of the marijuana available in the US, where these studies were predominantly done, was far less potent than that available today. Indeed, drug czar (as they call him) Lee Brown says that marijuana on the streets today is up to 10 times more potent than it was a generation ago, and this fact contributes to its addictive nature. It also further serves to highlight the results in those 10,500 studies which I just referred to and which were predominantly done in the 1970s when marijuana was much less potent than it is today.

OCCUPATIONAL HEALTH AND SAFETY

The Hon. G.A. KANDELAARS (15:52): Last Thursday, I had the pleasure of representing the Treasurer and Minister for Workers' Rehabilitation at the launch of a new occupational health and safety induction DVD for apprentices and trainees entering the workforce. The launch was conducted at Peer Veet, an organisation that I have been involved with for many years. The function was attended by Michael Boyce, CEO of Peer Veet, who is also the President of Group Training Australia (South Australia) Inc. Also in attendance were Greg Connor, General Manager of South Australia's Employers Mutual Limited, and Rob Thomson, Chief Executive Officer of WorkCover South Australia, to name a few.

The new occupational health and safety induction DVD launched on the day was an initiative that was jointly funded by GTA (SA) and EML and was the culmination of 18 months of work. Evidence shows that new workers are, unfortunately, at greater risk of workplace injury and illness than other workers. New workers are often unfamiliar with their workplace, the tasks they have to perform and the equipment and substances they have to use. This is particularly true of trainees and apprentices.

The new occupational health and safety induction DVD was professionally produced, and it will be a valuable resource that can be used to reach out to a large group of sometimes vulnerable workers. The DVD provides a general introduction to occupational health and safety and explores some of the most common incidents that apprentices and trainees are likely to be involved in in the first two years of their working life.

A special mention must go to Jon Burke of Creative Digital Video, who produced the video, and Mal Baxter of Peer Veet, who coordinated the production of the video, along with Mal Aubrey, Executive Officer of GTA. Initiatives such as this DVD are critical because they promote safer

workplaces, which are vital to reducing the number of work-related injuries that occur in South Australia.

The network of group training organisations that makes up GTA (SA) employs 4,000 apprentices and trainees. Peer Veet, where the launch occurred, is a member of GTA (SA) and employs over 400 apprentices and trainees. Mr Acting President, as you know, I have a long association with the Peer group and, whilst I was a board member, I can assure you the board took a very keen interest in occupational health and safety in the organisation. It was, in fact, an item for discussion at all board meetings. I am sure the new DVD will be put to good use by Peer and other GTOs.

Initiatives such as this DVD are critical in promoting safer workplaces, as I said before. At the launch, EML also gave a commitment to assist GTASA rewrite its Smart Pack Safety Management and Resource Kit which GTA has offered to make available to small businesses elsewhere. It was a great pleasure to participate in the launch of this new DVD, and I congratulate GTA and EML for its production.

This initiative will enhance the knowledge of apprentices and trainees and will, hopefully, reduce workplace injuries. As I said at the presentation, when we leave for work all of us should expect to return home in a fit and safe way. This initiative is one that is very important to ensure that those who are most vulnerable in their early working lives reduce the risk of incurring an occupational health and safety injury at work.

ROYAL SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS

The Hon. M. PARNELL (15:56): I rise today to speak about the Royal Society for the Prevention of Cruelty to Animals, commonly known as the RSPCA. At the outset I will declare my status as a member of that organisation, a status I share with other members of this house. Last night debate on the livestock bill considered the future role of the RSPCA in investigating and prosecuting alleged animal welfare crimes. I want to take this opportunity to correct the record, because there was a degree of misinformation that came out in the debate last night.

I think it is important that that misinformation is corrected. I will state at the outset that I am grateful to Mr Neale Sutton, the CEO of the RSPCA, for providing some of this information, although I make the point that it is quite easy to find on the RSPCA's website a great deal of information about its operations, including the annual report. For the benefit of members, it is www.rspcasa.asn.au.

Both the Hon. Michelle Lensink and the Hon. Robert Brokenshire referred to the Brinkworth case in support of their justification for removing the power of the RSPCA to pursue investigations into farm animal cases. There is no doubt that the collapse of the Brinkworth case was a great blow to the RSPCA.

I do not need to go into all the details but, in a nutshell, what would have been one of the biggest animal cruelty cases in our state's history collapsed because of unauthorised behaviour by a single staff member who is no longer with the RSPCA. What does need correcting is the assertion by the Hon. Rob Brokenshire that the RSPCA was forced to pay three-quarters of a million dollars in legal costs. The member said:

> I am advised that the RSPCA ended up having to pay $750,000 with respect to the court costs and legal costs when officers went out there after investigating a report from fellow farmers in that area.

I am advised by Neale Sutton (the CEO) that the amount is nowhere near three-quarters of a million dollars. According to Mr Sutton, the amount is closer to $17,000—in fact, $16,900. That is not $750,000. I think it is important to set the record straight, because it grossly overstates the impact that this case had on the finances of the RSPCA and, unless corrected, that wrong information could impact negatively on the willingness of the community to support the RSPCA financially.

I think it is beholden on all of us to be as accurate as we can with assertions of financial impact as well as other facts and figures. If the honourable member had simply asked, as I did, he would have been set straight. There was also misinformation about the general funding of the RSPCA. In a nutshell, the organisation has a budget of about $8 million and has net assets of $14 million. Of that $8 million budget, around $2.2 million is spent on investigations and prosecutions, which are described as operations in the annual report. Of that $2.2 million, only $660,000 comes from the government—and this is the first line of the published financial statements, so it is not hard to find.

However, last night, the Hon. Rob Brokenshire said that the RSPCA got $200,000 from the government. That is wrong. It is more than three times that amount. But even though the amount provided is three times more than the Hon. Rob Brokenshire said, it is still less than one-third of the cost of enforcing the legislation. The other two-thirds come from the members and supporters of the RSPCA, through donations, bequests and other fundraising. As for this $660,000 that comes from the government, the amount is not indexed, and it has been constant for many years and it needs to be reviewed.

So, what do we get for this modest investment? We get great value. Last year, the RSPCA responded to 5,000 reports of alleged animal cruelty or requests for assistance for injured animals. The RSPCA seized more than 4,500 animals, and it had a record number of prosecutions. There were 55 matters finalised in court, including the first custodial sentence handed down by an SA court, and there were 24 other court matters at different stages of review or investigation.

In the future, if we want the RSPCA to continue this work—and I think we do, and I think it wants to continue this work—we need to fund it properly and we need to recognise its independence and the fact that it does not bring to the task any particular interest, other than the welfare of animals. I would say that, however disappointing the Brinkworth case might have been, we do not sack the police, we do not sack the Director of Public Prosecutions, when a case goes wrong, and therefore we should not be sacking the RSPCA. It is a respected organisation. It is well over 100 years old in South Australia, and it deserves our full support.

FORCED ADOPTION APOLOGY

The Hon. T.A. FRANKS (16:02): I move:

That this council—

1. Acknowledges that previous parliaments and governments share responsibility for the application of some of the policies and processes that impacted upon unmarried mothers of adopted children, and now apologises to the mothers, their children and the families who were adversely affected by these past adoption practices and expresses its sympathy to those individuals whose interests were poorly served by the policy of those times.

2. Calls on the Premier to move a formal statement of apology in the parliament in relation to—

   (a) past adoption practices for which it is now recognised that, for a significant part of the 20th century, the legal, health and welfare systems and processes then operating in South Australia meant that many pregnant unmarried women were not given the appropriate care and respect that they needed and were sometimes coerced to give up children for adoption; and

   (b) processes, such as the immediate removal of the baby following birth preventing bonding with the mother, which are recognised, in many cases, to have caused long-term anguish and suffering for the people affected.

This is a very important motion that I bring to this council, and it follows on from the tabling of the report of the Community Affairs References Committee, entitled 'Commonwealth contribution to former forced adoption policies and practices', which was tabled on 29 February this year. It received across-party support from the Labor Party, the Greens and the Liberal Party. I am hopeful, particularly given the Premier's statement earlier today, that we will see wide support for this motion.

The inquiry of the Community Affairs References Committee was described as a very emotional and traumatic journey, and it has involved a large number of personal stories. I commend the work of all members of the committee and, in particular, the chair, Greens' Senator Rachel Siewert. I also acknowledge that the member for Morialta, John Gardner, has previously brought this matter to the attention of this parliament in the other place, and I acknowledge his work in doing so.

Human history is littered with periods of time in which we have made grave errors of judgement as a society. Already in this country, we have rightly apologised for historical injustices that have been committed against the Indigenous people of Australia. This motion seeks to play a role in the long healing process from another depressing chapter in our country's short white history, the forced adoption practices that saw babies stolen from the hospital beds of their vulnerable mothers. Instead of receiving support and understanding, young unwed mothers were treated as sinners and condemned to a tortuous life, with the pain of having a child taken from them.

It is clear from the submissions to the Senate inquiry, as well as from those stories I have heard outside the inquiry through media reports and suchlike, that the sorrow and emptiness that results from having a baby taken away can last a lifetime, and it continues to have a negative impact on many of the women.

One particular woman I would like to pay tribute to is adoption campaigner, Lily Arthur. Her newborn son was taken from her in 1967. At the time, at 17, unmarried and pregnant, she was placed in a home for delinquent girls. She went into labour and was strapped to a hospital bed and when her son was born she was denied a chance to even look at him, much less touch or hold him. Heavily sedated, she was given adoption papers to sign. She was threatened with going into a maximum security girls home if she resisted and she was told her son would be better off with another family. She was sent back to the home, alone, and never recovered.

Ms Arthur is one of the tens of thousands of Australian women estimated to have been forced into adopting their babies by government and church-run homes and hospitals between the 1940s and 1980s. An estimated 250,000 Australian women were subject to the practice of closed adoption during this period, where adoption papers were sealed in order to provide a complete break between mother and child.

The inquiry's recommendations have admonished the practice of compelling unwed mothers to relinquish their babies. While authorities argue this was done with good intentions at the time, I note that Catholic Health Australia, the Uniting Church and the Western Australian government have all acknowledged that these practices were harmful and have apologised in recent times.

I particularly pay tribute to Ms Arthur, as one of the 130 women who travelled to Canberra to be present for the Senate tabling of the report and note that at the time she said that a simple apology would in fact ring hollow. She stated:

> When a woman has suffered decades of mental anguish, and had her basic common law and human rights abused, an apology doesn't change anything.

I acknowledge the work of both the organisation she works for and the Senate committee in unpacking some of the further ramifications of these forced adoptions. Certainly, many women led lives plagued by mental health issues, drug and alcohol abuse and higher suicide rates. Ms Arthur, the coordinator of Origins: Supporting People Separated through Adoption, has said that survivors of forced adoption require not just an apology but also reparation, such as access to counselling, increased Centrelink support and better access to records.

It cannot be denied that the maternal bond formed throughout pregnancy is an intense physical and emotional closeness and a woman should never have this forcibly taken away from her, yet it is a process that as a larger community and a larger society and as governments we did indeed condone.

It has been alleged that many young, unmarried mothers were unethically drugged and illegally lied to in order for them to give so-called permission to give up their baby to families that were seen by both institutions and the government as more fitting: married families, heterosexual couples who were married and seen to be a more legitimate household for that child to be raised in. One submission from a South Australian, who has kept their name confidential, writes:

> I arrived and was sent to either the kitchen or laundry. We were treated like second class citizens. We were not allowed to be seen by the paying public who had their babies upstairs. I remember getting old crumpets delivered for breakfast and having to cut off all the mould and cook them for breakfast.

I have a friend whose mother was one of the women forced to give her child up for adoption, and it has impacted greatly on his family. Certainly, the tales that he has informed me of about his mother being starved and made to look, for all appearances, as though she was not pregnant and worked incredibly hard by the institutions that had taken her in, horrify myself and I would hope would horrify all members of this council.

Thankfully we are increasingly learning that the so-called nuclear family—indeed, a nuclear family being symptomatic of merely the 20th century of our existence on this planet and that of a heterosexual husband and wife living in a single household with their children—has and is continuing to change. It certainly takes a village, as Hilary Clinton and many others have said, to raise a family, and in the past extended families have been commonplace. Certainly, in many cultures there are many ways of raising children.

Through our experiences in investigating this issue, both from the Senate inquiry and other work, I would hope that we would recognise that families are not a homogenous quantity. For the friends and families of those today who were subject to forced adoptions and continue to experience feelings of grief, pain and loss, I today unreservedly apologise. I note that I am not alone.

As I noted previously, the member for Morialta has initiated this process in the parliament and today the Premier has issued a statement and has indicated that he and minister Portolesi are willing to work across parties and with the community of those who were involved in forced adoption—the mothers and fathers and the adoptees—and associated communities to heal this great injustice. He certainly noted that on 13 June this year we will see some sort of acknowledgement of that in this parliament building, I imagine.

An apology is a welcome step forward. Of course, it is not the only step. I cannot emphasise enough the importance of the provision of counselling services, redress, access to records and reconnection as we all take this step forward from injustice to respect. With that, I commend the motion to the chamber.

Debate adjourned on motion of Hon. G.A. Kandelaars.

BIRTHS, DEATHS AND MARRIAGES REGISTRATION (REGISTRATION OF STILL-BIRTHS) AMENDMENT BILL

The Hon. R.L. BROKENSHIRE (16:13): Obtained leave and introduced a bill for an act to amend the Births, Deaths and Marriages Registration Act 1996. Read a first time.

The Hon. R.L. BROKENSHIRE (16:14): I move:

That this bill be now read a second time.

Last Wednesday of sitting I spoke in the matters of interest debate about a bill I intended to table which at that stage I had been unable to formally do. I have now introduced that bill that is known in the public arena as Jayden's law but, due to naming restrictions and convention in this place, it is called the Births, Deaths and Marriages Registration (Registration of Still-Births) Amendment Bill 2012.

This is an important bill that I am proud to be presenting before the parliament. This bill is not about politics at all; this is about assisting families, and particularly mothers, in difficult circumstances which I will highlight in my second reading speech. I want to again congratulate Tarlia Bartsch of Port Lincoln for her advocacy and honour her for putting the name of her late son, Jayden Bartsch, to the bill campaign. Tarlia is a dynamic, resilient and very lovely person.

The bill itself is self-explanatory. The whole concept of the bill is to give optional (and I reinforce 'optional') registration of birth of certain stillborn children between 12 and 19 weeks gestation. The reasons for it will become quite obvious to colleagues as I read some testimonies. I have just a few shortened versions of selected testimonies we actually received from a number of mothers who have given us approval to put them on the public record. The shortened version of testimony 1 states:

After being diagnosed with polycystic ovary syndrome and trying for a few years to have a baby, we were finally pregnant. We were so excited planning and imagining our life with our beautiful baby that we had even started to set up the nursery. We had bought a cot, change table, highchair, bouncer and toys. Our family were so excited also and had bought some baby clothes and nappies. Everyone—family friends and work colleagues—were all so happy that, after for trying for so long, we were finally going to be a family.

However, on Sunday 21 September 2008 our world came crashing down around us. The doctors could not give us any answers for it, but at 17 weeks gestation my membranes ruptured and all the fluid from around the baby was lost. After four days I was admitted to the labour ward and on 25 September 2006 I was induced and after a painful labour that lasted a few hours our first son was born. He was so small and weighed only 175 grams, but he was perfect. When I looked at him all I could see was how much he looked like his father—even at 17 weeks his features were perfectly formed.

It was heartbreaking going through labour knowing that my son would not be alive when he was born. It was devastating giving the final push and not hearing him cry. There was just deafening silence. All our dreams were shattered. We would never see him crawl, smile, walk or hear his voice. After spending the night with my son by my side, the time came when I was to be discharged from hospital and we had to say goodbye. Leaving the hospital without my son and with empty arms was the hardest thing I had ever done.

Sadly, this same mother explained how in 2010 she lost another child in similar circumstances. She hopes for a birth certificate for both of her sons. Testimony 2 is a tragic tale is an illustration of why the Jayden's law campaign has asked for a relating back period to 2002. It states:

In 2003 I was pregnant with twins. Everything was going well until my antenatal appointment on 16 July. I was told that there was no heartbeat. I didn't believe the doctor and asked for an ultrasound and was told that there were twins and it looks like one died about eight weeks and the other at 16 weeks. I asked the doctor, 'Why did my second twin die at 16 weeks?' He had said, 'Because of blood poisoning from my first twin.' I got booked in for the next day to give birth to both of them. I had to go through the labour, the pain and the loss of my babies. I was heartbroken. Nothing can replace the loss of my babies. I gave birth on 17 July 2003.

This mother also seeks a birth certificate for the babies she lost. Testimony 3 relates to the birth of a lost child that occurred on a couple's fifth wedding anniversary. It states:

I was 13 weeks when I lost my baby. My husband and I had been trying for a baby for about three months and I finally got pregnant. We were incredibly happy, waiting a few weeks to start telling all of our family and friends. On 12 August I started bleeding. I went to the hospital distraught the morning of the 14th with my husband and asked the midwife on duty to let me listen to the baby's heartbeat on a Doppler, but she declined to help me and sent me to the local surgery. The doctor on duty, who I am very grateful to, let me listen to the baby's heart on a Doppler and told me that the baby was weak but alive. So we went home knowing that there was small chance that we would lose the baby but we were relieved. That night everything went ok until I was cooking dinner and I thought I had spilt water on myself—

But when she looked down she realised that there were other problems. She continued:

We made arrangements for our son and went to the hospital, they had me come straight in and called the doctor. He was very understanding and told us to prepare for the worst even though he also said the baby was fine.

When we went to pick up our son, I felt the need to go to the[bathroom] and when I went I found that I had lost the baby, I screamed out for someone to help me and my mum came into the [bathroom and assisted me] and ran a bath for me. When my mum rang the hospital to see what we should do, whether I needed to go back or what, they said that I should be fine and when Mum asked them what she should do with the baby [they had no answer].

The final testimony I want to put on the public record—as I said, with the approval of these constituents, and this constituent has given approval to actually name her—is from Tarlia; and I share Tarlia's story. Tarlia has written a letter to the members of the council, and with members' indulgence I will read the letter in full.

On 18 December 2011 our world came crashing down in a way we didn't expect, our whole world changed based on the very still image on the screen and lack of a tiny heartbeat I had listened to and smiled over so many times in the last 19 weeks. Everything we had dreamed of sharing with our second baby was no longer going to happen, there would be no first smile, no first giggle, no first words, we would never video him crawling or taking his first steps and the most housebreaking thing to realise...I would never hear his little voice say 'I love you mummy, I love you daddy'. In those thoughts my world froze and my heart broke! Why? Why would this happen to us? What did I do wrong? I felt like a failure as it was my job to grow our baby and protect him...and I had failed!

On 19 December I was admitted to hospital and labour was induced. After nearly 8 hours of labour our beautiful little boy was born. He was 19 weeks gestation and looked exactly like our little Marco, he had the same little button nose and rosebud lips. He was so beautiful and so perfect. And so all the questions came again!

The thing I found the hardest was that during labour with Marco, I worked so hard, endured so much and looked forward to hearing that beautiful heart stopping cry at the end of it...stillbirth is so different, you endure all the pain, do all the work, knowing that at the end you get nothing, you will go home empty handed...empty armed. I would never feel that heaviness in my pelvis, never feel his kicks and tumbles and stand in amazement whilst feeling the acrobatics happening inside me, I would never see him on the screen again wriggling around and sucking his thumb or hear his beautiful little heartbeat, it was a heartbreaking realisation.

The term 'aching arms' is something I now comprehend on such an indepth level, my arms literally ached to hold my little boy and tears poured from my face as I watched the nurse leave with our little boy after saying our final goodbyes...I knew I would never see him again and it hurt so bad! Walking from the hospital with empty arms was daunting and heartbreaking and I cuddled our little 4 year old boy Marco and sobbed all the way to the car. All of this hurt me to my core, but the biggest blow was finding out that my beautiful child, my little boy who I had planned so much of my future around...our family's future around, would never be validated as ever being born, he was never here, it broke my heart into a million pieces.

How could someone tell me my child never existed?? He did exist...for nearly five months he lived under my heart! He may have meant nothing to anyone else but he meant the world to us!! To have received a birth certificate after physically giving birth would have made a big difference! It would not have taken away my pain, nor brought back my little boy, but it wouldn't have added to the pain of the loss of someone who we considered a member of our family, our child...our son.

This is not just a piece of paper to these families, it is validation of a member of their family, a show of respect for their individual family beliefs and acknowledgement that they gave birth. It will bring closure and healing for those families who want that birth certificate to legally recognise the name they have given to their lost child. It will never bring our babies back, or completely heal that scar we carry on our heart, but don't underestimate the healing power of this for those who want it!

In conclusion, I wish to add just a few comments. The testimonies of those mothers—and there are many others—demonstrate why they want this reform. The 20-week threshold has been in

existence for 46 years. At that time, it had been brought in from 28 weeks to 20 weeks, so there is already a pattern of bringing this back.

Medical technology has significantly improved since then. Babies can be born and survive inside the legislated definition of stillbirth weight when the weeks of gestation are unclear. Twenty weeks is not so far away from viable birth age as it was 46 years ago, and babies are now being born and surviving from around 23 weeks onwards. In fact, in South Australia, I think we hold one of the world records for our medical professionals ensuring the survival a baby at one of the lowest weights.

This bill creates an option, not a requirement, and I think it is important to point that out to colleagues. Parliament has previously decided to require registration after 20 weeks' gestation. This bill does not do that for babies lost inside 20 weeks; it is a right for closure, not a mandated requirement. This bill changes nothing concerning how stillbirths at over 20 weeks' gestation are treated.

A registration fee will apply; that is our expectation. Families will have to pay a fee to offset the administrative requirements, and the Jayden's Law campaign accepts that. There is no benefit for the baby bonus arising from this bill. The federal law regarding that entitlement is clear and does not apply; the Jayden's Law campaign is not seeking to change that. This is not a campaign about money, it is about closure and recognition for mums and dads and siblings, but particularly for mothers who carry, lose and grieve for their children.

On termination of pregnancy, the wording is copied from the registration requirement from after 20 weeks currently in the act. We are only mirroring that wording. To include termination cases in the Jayden's Law campaign would have required us, in a balanced approach, to also include them in the post 20-week scenarios. We do not want to change termination of pregnancy laws one bit in the Jayden's Law campaign, and those laws are not changed at all.

I again acknowledge Tarlia Bartsch and the many mums and others supporting the Jayden's Law campaign—not only in South Australia, as this is now receiving nationwide attention. I have very much appreciated the comments from my colleagues thus far because they see that there is no politics in this; this is purely, as I have indicated, a way of assisting a healing situation for those mothers and their families.

Mums want this law passed through here to help them also get it in other states. If South Australia can lead the way on this legislation, from what I have been briefed and told I believe that other states will copy it. So, we can lead the nation in what I would describe as compassion. There are over 2,300 supporters on the Facebook group for Jayden's Law since it was started only a few weeks ago. Over 2,400 petitions have now been tabled in this place supporting Jayden's Law.

I acknowledge the efforts of Tarlia—who is someone I am immensely proud of and who is a very strong woman—and the campaign volunteers who have circulated petitions among friends and businesses, particularly in Port Lincoln and the West Coast, to get the recognition families deserve for their lost child via a birth certificate. I also acknowledge the genuine interest of many journalists right across South Australia who have talked to me about this bill.

I acknowledge the support of Dr Samantha Mead for and on behalf of SIDS and Kids in backing this campaign. It is our hope that Jayden's Law sees them and other organisations support bereavement services to families who lose their babies inside 20 weeks' gestation. I also acknowledge and thank for her support the patron of the Stillbirth Foundation Australia, a lady who would be very well known to government members on my left—the former premier of New South Wales, Kristina Keneally MP.

I pose the question to the major parties as to whether this is a conscience vote or not. I hope their caucus can discuss this matter soon, as I foreshadow that we would like to put this bill to a vote.

Members interjecting:

The Hon. R.L. BROKENSHIRE: Yes. They know what I mean; don't be offended. I hope their caucus and party rooms can discuss this matter soon, as I foreshadow that we would like to call a vote on this bill on 16 May. I will send a briefing paper to all honourable members, but I can assure you that my two speeches on the matter have outlined to a large extent what this bill is about. It falls now to honourable members to bring up any concerns or questions they have and decide their positions as a party or as private members on what I hope will be a conscience vote on 16 May. I wholeheartedly commend the bill to the house.

Debate adjourned on motion of Hon. Carmel Zollo.

GROWTH INVESTIGATION AREAS REPORT

The Hon. D.W. RIDGWAY (Leader of the Opposition) (16:31): I move:

That the Legislative Council, pursuant to section 14 of the Ombudsman Act 1972—

1. Refers to the Ombudsman, for investigation and report, compliance of the following processes in relation to administrative acts, relevant laws and policies—

   (a) the tender process for the preparation of the Growth Investigation Areas Report.

   (b) the probity investigation undertaken by the State Procurement Board in relation to the decision awarding a contract to Connor Holmes for the preparation of the Growth Investigation Areas Report, including the findings and advice arising from that probity investigation.

2. Resolves that the administrative acts warrant investigation by the Ombudsman, despite any availability of a right of appeal, reference, review or remedy, or the passage of time referred to under section 14(3) of the Ombudsman Act.

I move this motion in part as a response to the Hon. Mark Parnell's motion to have certain matters considered by a parliamentary committee. They are, in summary, the process employed by the state Labor government to prepare its statewide planning policy and matters specific to the development at Mount Barker. Incidentally, he has also called on the minister to reverse the decision to rezone parts of Mount Barker—the rezoning that has been the centre of controversy for the best part of three years.

I believe we have some serious problems in our state planning system, and they begin with the process by which statewide policy has come about under this government. Of course, if you have serious problems at the pinnacle of the system, they infiltrate to every development plan amendment, rezoning and appeal. I am not alone in my concern. The South Australian public are generally not happy with the current planning system. There is a perception—and arguably evidence to support it—that the state Labor government is too close to developers and lobbyists. People may have a perception that votes can be bought, influence can be bought, development approvals can be bought and positions can be bought.

The lack of integrity and accountability in our planning system is evident at all levels, from our overarching planning strategy to individual rezonings and development applications. Furthermore, the current system, which is at the whim of political interests, does not encourage good long-term planning, so it will ultimately prevent, or at least make it very difficult for us to be a progressive state.

At this point I will say that I do not believe that the Hon. Mark Parnell's motions will be effectual in bringing about change either to the overall process or the focused issues of Mount Barker. I will explain that in further detail when I speak to his motions later today. The nub of the problem we have is political interests. Therefore, I do not think you can bring about real change by confining the scrutiny to within parliament. I want a proper, well-resourced, non-political probe into some of the issues that the Hon. Mark Parnell has raised in his earlier motions.

I will take this opportunity to say that I commend the Hon. Mark Parnell for his work in bringing further documentation to light with regard to how the Mount Barker DPA came into being. That work may be effectual in bringing the government to further account on this matter. However, it will not compel this government or future governments to fix the system in the same way that an independent investigation will. Politics aside, this Labor government needs an outside authority to tell it that the process is flawed.

The parliament, the public and the media have spent the last three years lecturing this government over the decision on Mount Barker to the point where the current minister has actually admitted they got it wrong and they mucked it up, but it did not bring about a real change. I believe that it will have no bearing on the nexus between government and developers. By way of background, I will just remind the house of some of the issues which have created negative sentiments around Mount Barker.

The parliament is aware that the former minister commissioned the Growth Investigation Areas report to inform the 30-year plan. Connor Holmes was the author and was simultaneously working for property developers seeking to rezone and develop the same land. The document identified broadacre land outside the urban growth boundary supposedly ripe for development. The opposition argued that to allow proper scrutiny for the 30-year plan the government needed to

identify alternative parcels of land which had been considered and then subsequently rejected. We were never given that information. The public was expected to simply accept the plan for growth.

The overarching policy reached through that document will now dictate major future rezonings and population targets and dispersal for areas like Mount Barker and, because Labor never genuinely consulted on the plan, it questions the authenticity of public consultation on any of the rezonings which ensue. Indeed, that was the situation we saw in Mount Barker. The public was expected to be spoon-fed a plan for growth in their community. From the outset, any changes that the department would have taken on board following the public meetings would have been negligible because, ultimately, the government had decided that this is where the growth was to happen.

The 1,310-hectare rezoning was, in fact, factored into the state government's HELSP (Housing and Employment Land Supply Program) document prior to the completion of the public consultation and the majority of the 540 public submissions were seemingly ignored. The Mount Barker DPA has been the most resonant example of problems with developer-driven planning policy. The DPA was instigated by a consortium, the companies which have collectively donated $2 million to state Labor over the past 10 years.

The plan to double the population of Mount Barker and surrounding townships to almost 50,000 in 15 years has not been supported by a basic infrastructure plan. Most notably, there is an inadequacy of traffic planning to support the doubled freight task and a lack of any published information on provision of basic community facilities. I note that, at the point of public consultation on the Mount Barker DPA, the Hon. Mark Parnell was quick to use the matter for political leverage, with initiatives that were not designed to truly create a better outcome for the people of Mount Barker.

First, I was disappointed to attend one of the extensive public meetings only to see the Hon. Mark Parnell speak at length and in greater priority to members of the local community; secondly, when the redundancy of the Development Plan Advisory Committee in the consultation process became apparent, again the Hon. Mark Parnell jumped at the opportunity to score some political points. For members who have forgotten—

The Hon. M. Parnell: Excuse me; I was invited to speak.

The PRESIDENT: Order! You haven't been invited this time.

The Hon. D.W. RIDGWAY: —DPAC listens to speakers at public hearings and evaluates submissions and the DPA and advises the minister on what should occur. Throughout the Mount Barker saga, this unfortunately created a public perception that DPAC was independent to the degree that it would highlight issues to the minister, divided from political or developer interests. The public believed that this provided a vital chance to make meaningful representations.

The Hon. Mark Parnell capitalised on this perception by demanding that the minister release the advice. In fact, the act states that the minister's obligation to seek advice from DPAC is subject to his opinion on whether the proposal is in accordance with the planning strategy; in other words, the minister arguably does not have to seek the advice at all. In the case of Mount Barker, which is aligned with the 30-year plan, the advice would be unlikely to be of major consequence. The so-called consultation program wound up in 2010, and the DPA was approved and gazetted in December 2010.

In deliberating over the Hon. Mark Parnell's motions and what the Liberal Party's response would be, I was considering the answers by the minister to parliamentary questions that date back to 2009. In responding to questions on Mount Barker, the minister quoted from a letter that he had received from Mr Stephen Holmes of Connor Holmes. Of particular interest to me was the following paragraph:

> ...the decision of your department to retain Connor Holmes to provide advice in relation to the Growth Investigation Areas and (via KPMG) the 30 Year Plan projects was taken following a competitive process. The involvement of the firm in a large number of major urban development areas and projects on behalf of a range of clients (including the government itself via the LMC) was clearly disclosed and understood throughout this tender process. Indeed, at the time it was seen as a major strength of this firm. The final decision was authorised by the State Procurement Board, providing an independent high-level probity check.

From my perspective, this letter suggests that the firm was, to the best of its knowledge and ability, operating legitimately within the parameters of the designated process set up by this Labor government. The firm accorded with the required checks and balances and, in the context of this

parliamentary debate that this letter appeared in, it would seem that the minister was confident that process was adhered to also.

For the record, the focus I have had, not only in this motion but also at the centre of my policy work over the last two years, is not an attack on developers. I believe that, generally, developers act legitimately within the parameters applied by government. My concern, though, is that, under this Labor government, those parameters have been lax to the point where they are now compromising the entire planning and development system and undermining generally good and sustainable development.

Therefore, this letter from Connor Holmes to the minister caused me to question the nature of the probity investigation that was supposedly undertaken prior to Connor Holmes being awarded contracts associated with the growth investigations area report and the 30-year plan. Given the scrutiny over Connor Holmes' involvement, I would like some more clarification on the role the government took in this process. What were the checks and balances, the rationale behind it being deemed as appropriate that Connor Holmes engaged in such work? Do we have the right process in place for awarding these contracts?

These are the kinds of questions that need to be addressed in order to fix a broken system. Developers and lobbyists will continue to use this system to their greatest capacity. They are business people with a product to sell and will take any legitimate opportunity to do so. But when the rules become blurred or compromised by political interests and where the system is open to failure, we must identify those issues and deal with them.

Last week, I took a group, consisting of the local member for Mount Barker, Mark Goldsworthy (the member for Kavel) and my colleague the Hon. Stephen Wade (the shadow attorney-general) to meet with the Ombudsman. We discussed some terms of reference and asked for his input and guidance.

We arrived at the terms of reference which I have outlined today, and we believe that they are appropriate and within the capacity of his investigation. This motion challenges the political motives of every member in this place who had their say on Mount Barker. It is now time to remove politics from this debate and appeal for an independent investigation. I commend the motion to the chamber.

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

PASTORAL LEASE RENTS

The Hon. J.M.A. LENSINK (16:44): I move:

That this council—

1. Calls on the Pastoral Board to re-form the Rent Review Committee over its decision to increase pastoral rents by up to 230 per cent;

2. Condemns the Weatherill Labor government for once again failing to consult with those affected; and

3. Notes the important contribution of South Australia's pastoral sector to primary product.

This is a fairly recent issue which has come up and which is affecting people in the Far North, in the country of the member for Stuart, Mr Dan van Holst Pellekaan. There may well be some in some other areas, but I note that it predominantly affects people within his electorate. The pastoralists are very important to South Australia's primary industries. They are predominantly farm meat, wool sheep and cattle in that region. I think it is fair to say that they are subject to some climatic conditions that are quite different to other parts of South Australia.

For them, this rent increase has been another case of announce and defend by this government. The rates have been bumped up after the recent breaking of the drought in that region. What the government has said in relation to its rationale for increasing rents by, in some cases, 230 per cent, is that the formula for calculation is based on varying land types and each has a ranked value which reflects its potential to sustain different stock levels. The quote from the office of the Department of Planning, Transport and Infrastructure is:

> The land is the base your income lies on and so it needs to be given appropriate value and we consider distance from market, land values and climatic conditions. Market values move and we need to follow.

On the face of it, that sounds like a fairly reasonable proposition. However, I think the pastoralists affected would like to understand to a much greater degree how those particular values have been

reached. The member for Stuart is seeking the basis of the unimproved capital value—he has an FOI application in. I think the people affected are finding that this process is not at all transparent.

The government has described the rent increases as a so-called catch-up. Unless we have some sort of massive increase in valuation in the Far North, I am not sure how a 70 per cent, or 100 per cent or 230 per cent increase is any form of catch-up. I am not quite sure what sort of accounting methods are being used by the department to come at these rent value increases. The other thing in this whole issue is that the lessees should have been given some forewarning. If you are going to vastly ramp up these sorts of rentals then you ought to at least talk to people first to give them some idea that this may be taking place.

The reality of the Far North and what has been taking place there is that there is still some recovery up there. In question time yesterday there were a series of questions directed to the government, and the minister for primary industries in this place, and she herself described how there has been quite a lot of damage because of the floods. Australia, in that part of the world, is quite flat and so floodwaters do flow very easily from one place to another. In other parts of Australia we have large wide rivers which can take the flow and feed that through the landscape, but in these areas it often flows across flat areas and can hamper feeding and transport to market.

So, while those of us who are urban South Australians may gasp at the proliferation of wildflowers and declare that we have never seen the landscape looking so wonderful, there are other issues that will affect people who are based on those lands which will affect their livelihoods. Transport to market is a problem because of those floodwaters.

The lessees themselves have stated that some of them are still recovering from drought and are working on less than half their usual stocking rate. So, in terms of the numbers, just because they have had a break in the drought does not mean that suddenly they have the financial capacity to be raising a lot of stock, because they just do not have the numbers.

It has caused so much consternation that I understand the SAFF livestock committee has stated that it wants a united response. I think that is a sensible approach, where this government is concerned. I do not think it would be advisable for individual pastoralists to allow themselves to be picked off one by one. SAFF has gone to the point of setting up a rent review committee of its own. I think the recommendation that the Pastoral Board re-establish its Rent Review Committee would be a much less complicated way to address the inequity so that it can be looked at across the board and whether or not the values that the department has come up with are valid.

The member for Stuart has raised this issue in parliament in recent weeks. As I said, he has lodged an FOI and he has organised a meeting with the head of the Pastoral Board. I am disappointed that the minister effectively refused in question time yesterday to support the re-establishment of a rent review committee, and she also does not support a shift in the responsibility of this policy area from the environment area to her own department.

I think in the interests of transparency, these rent increases need to be reviewed. The government needs to make sure that people have a fair valuation; otherwise, the industry that South Australia relies on for a large part of its primary resource income may not be viable and people will not continue to farm in those areas; therefore, I urge members to support the motion.

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

INTERSTATE MIGRATION

The Hon. J.M.A. LENSINK (16:52): I move:

That this council condemns the state government for its 10 years of failure to stem the extraordinary flow of young people leaving South Australia for study, career and lifestyle opportunities interstate.

I think this issue is well worth highlighting to the parliament. This is a motion which has been initiated in the other place by the member for Morialta, Mr John Gardner. It is something he is very passionate about as our youth spokesperson and as one of the youngest people to be a representative of the parliament.

The statistics really speak for themselves. We have had an average net migration loss from South Australia to other states in the order of 3,000 per annum. In the last year of the last Liberal government the figure was less than half that at about 1,300 people. It is interesting to look at these statistics. The ABS does a study of population flows between the various states, and the states which have a net gain from interstate migration are Queensland (unsurprisingly) at an average

figure over the last 10 years in the order of 25,000 to 26,000 people and Western Australia, which has not been as significant with 1,600.

The states which have had a net loss are New South Wales and to quite a large degree at some 24,000 on average in the last 10 years; and South Australia, as I said, on average loses about 3,000 interstate every year. That should not be so and it does not need to be so. The vast majority of these people are people who are in the working age population, and I think that tells the story in itself. These are people are the 20 to 24 year olds; they are the people who are starting families or who have families and are educating their kids at school.

I think for lifestyle reasons most of them would prefer to stay in South Australia to stay near family and so forth, but because of the economic conditions many are forced to move interstate. If we look at the figures of the age groups, overall it is 20 to 44 year olds. The largest group are actually the 25 to 29 year olds, so a lot would be young professionals and would be embarking on their career. The second group are the 20 to 24 year olds, the third group 30 to 34, then 35 to 39 and 40 to 44. We have been losing on average in the largest collection of the 20 to 29 year olds something like 1,200 South Australians every year.

That is a whole lot of kids who have been educated in this state. They are kids who would be at probably the social zenith of their lives, with high disposable incomes, and that is therefore a great loss to the economy of South Australia. As I said, they are professionals or a number are seeking tertiary education. This impacts on South Australia's ageing population, which is something I think we are all conscious of. There is a feedback loop where the mass exodus of qualified young people, due to the lack of job opportunities, only perpetuates some industry's reluctance to base themselves in South Australia and therefore generate more jobs.

We appear to have only one national company in South Australia, that being Santos. You often hear that a lot of young people would like to climb the corporate ladder. They often reach a point where they are forced to move interstate or overseas. Of all the expats, by far the highest proportion are qualified medical professionals, followed by education workers, and those are two areas this state needs if it is to continue to grow.

There is a perception from high school leavers that interstate universities will provide better education opportunities in speciality areas and that if you are a high achiever there are limited options for a career in South Australia. The member for Morialta outlined a particular case of somebody who had done some work for him and was dux of the school, an incredibly high achiever, and sadly she has moved interstate.

So, what has Labor done? We had the farce in 2004 of the former Premier and his Treasurer who embarked on some taxpayer-funded excursion to draw back expats and entice interstate migrants. I knew people who had been invited to that and it was some sort of glossy brochure that said 'Come along and experience South Australian food and wine and come and talk to us.' That program, as far as I know, was never evaluated. I would love to know how much we spent on that, that being in the first term of this Labor government when the rivers of GST were flowing in and, as is Labor's wont, they spent money faster than it came in the door.

There was a strategy entitled 'Prosperity through people'—something I have spoken on before—which had an interesting target of achieving no net interstate migration by the year 2008, which we know has been an abject failure. In fact, in that period the net migration rate had blown out from 1,300 in the last year of the last Liberal Government to some 4,767—three times what the rate had been.

Another part of that strategy was to increase the state's share of the national skilled migration intake and, in 2008-09, when net migration was at its worst, the state's share of the national skilled migrant intake dropped by 0.9 per cent and has been falling ever since. This is in spite of a former Liberal minister in the Howard government granting the entire state of South Australia regional status in the points system, which gives us some advantage over the Eastern States. I think that is something we need to retain for South Australia, and I would hope that the government is actually making representations to the federal government over that issue, otherwise we will continue to be disadvantaged.

Recent commentary on this came from Mike Smithson, the well-known Channel 7 journalist, who wrote in the *Sunday Mail* on 25 March, 'Where are workers to feel the boom?' I am not going to read it into the record; people can read it themselves, but he reports on a recent conference at which the mining industry highlighted the fact that it is very concerned about the lack of workers.

We have a few industries in this state (and I will mention another one in just a moment) where the government loves to bang on about how many jobs there will be and about how South Australia is apparently about to have a new dawn. The fact of the matter is that we just do not have the skilled workers to be able to take advantage of that at this stage—and as far as I can tell, the government does not have a plan.

I would like to finish with a couple of examples of people I know who are facing this situation themselves. One of my friends—I will call him James—who is actually descended from the first settlers to South Australia, has been working in the defence industry for nine years. He is a mechanical design draftsman who was working for one of our defence industry companies. Unfortunately, because of federal government cutbacks to the program, the work was drying up for the particular division he was working with and they had to let him go. In fact, the company has not won any work in that area; 95 per cent of its contracts are from the commonwealth, which has been shedding all the small projects which South Australian companies depend on. So there is just no work in that area. He said:

> For all the huge bragging about winning the air warfare destroyers, great chunks of the physical steelwork are still being built in exactly the same shipyard in Williamstown that Rann [that is, the former premier] told us wasn't good enough to build ships back in 2006.

He has described the whole process of applying for jobs as quite depressing, and he has had interviews. He directed me to the Seek website where, if you punch in the qualifications for engineering and general drafting for South Australia, you get only seven jobs. However, if you look at the east coast, and narrow the search criteria to a particular specialist software program, it comes up with a whole range of jobs. He is at the point where he has been unemployed for several months and feels as though he is about to be forced to take his skills to the eastern seaboard if he is to continue to have a job.

Another chap we are aware of—who I will call Andrew—works in the financial services sector. He has worked his way up with his current employer for six years to reach a low level executive position. That particular company announced in October that it was significantly reducing its presence in South Australia, and he was told that if he wanted to stay in Adelaide he would have to take a significant pay cut. He is being forced to move to either Brisbane or Sydney to stay on his current level, and he has decided that he will, indeed, go to Sydney.

With those words, I endorse this motion to the house. I think that this government just taxes the life out of any company in South Australia so that when it comes to the point of making a decision about which place is the most competitive in which to conduct their business they often decide, unfortunately, that there is too much land tax, payroll tax, WorkCover charges and all the additional imposts that this government puts on them and that they will not use South Australia as a base. So, we just continue to have the life squeezed out of our economy because of the economic parameters this government has placed on the economy of South Australia.

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

RIGHT TO FARM BILL

Adjourned debate on second reading.

(Continued from 14 March 2012.)

The Hon. R.L. BROKENSHIRE (17:06): Mr President, I thank the council for leave to conclude my second reading contribution on this important issue, which I began to speak to on the last Wednesday of sitting. As I said on 14 March, a similar but smaller bill—while this bill is still relatively small in size it is big on the impact for farmers—passed this house once and was prorogued, and then I tabled another bill, which was also prorogued. This bill is different, principally because it is a right to farm bill, and not an environment protection right to farm bill. It is a bill principally about farmers, who care greatly for their environment, and therefore comes within the ministerial responsibility of the Leader of the Government in this place (Hon. Gail Gago MLC).

As I always seem to have to do these days, I declare my interest again as a farmer. This is a perfect initiative for the government to adopt and support in 2012, the Australian Year of the Farmer. I believe farming is the number one most sustainable industry. We have a lot of focus on the mining sector and, while the mining sector is important, it is not sustainable; no matter what the product, eventually it will all be dug up.

Certainly, what is sustainable is food production, providing that farmers have the opportunity to get on with the business of food production. Given that, over the next 40 years, we

have to double food production across planet Earth to give any hope of being able to feed the significant increase in population, then clearly we need to ensure that we have green lights from the point of view of sustainable agriculture. Typical farming activities that can be subject to complaint—

The Hon. J.M. Gazzola: They said they were leaving.

The Hon. R.L. BROKENSHIRE: They're leaving? Well, they would be leaving some of the core voters that they did have.

The Hon. J.M. Gazzola: They're talking about the young people moving out of South Australia.

The Hon. R.L. BROKENSHIRE: The young people who are moving out? Well, this is a chance to bring those young people back, because if we could actually reinvigorate agriculture, then we can see young people staying on the land.

The Hon. D.W. Ridgway: My son says that all the time; I wish he'd get off the farm and get out of the way.

The Hon. R.L. BROKENSHIRE: You've been talking to him, have you? I hear the same thing in here; I'm not wanted anywhere. Anyway, to get back to the debate: as I said, this would be a perfect initiative for the government to adopt and support in 2012, the Year of the Farmer. Farming is the number one most sustainable industry. Typical farming activities that can be the subject of complaint are: machinery use, noise after business hours (for example, grape harvesters, bailers, headers), spray use, movement of machinery on roads, movement of livestock across roads, and the list goes on.

I have spoken on this issue on ABC *Stateline* (now *7.30 SA*) last year. When this speech is uploaded to our blog, I will link to those stories for those looking into this issue, including vineyards, budding new housing developments in the Willunga Basin, and the protection of the Willunga Basin generally. Of course, the government is now taking over that bill, which I am pleased about, although we will be moving some amendments to it when it comes into this house, regarding the McLaren Vale and Barossa Valley protection proposals. What about other areas—for example, the Riverland, irrigators, exit grants, areas no longer in production, etc?

Right to farm legislation exists in some shape in every state of North America, both in the United States of America and Canada, and the best elements of those have been incorporated in this bill. In fact, if we were to pass this bill through both houses, we would be the first state in Australia to pass this legislation. I note that, prior to the Liberals winning office in Victoria, I understand that they were looking at a policy with their Farmers Federation for the same proposal as we have here. I have not seen any advance on that from Premier Baillieu at this stage, but I will watch with interest and hope that the Victorians will bring in similar legislation.

The best elements of those bills we have looked at in North America and Canada we believe have been incorporated in this bill; firstly, exempting farmers from nuisance complaints and other prosecutions when their behaviour is part of normal farming activity and, secondly, requiring land purchasers to accept that they are buying where normal farming activities occur.

With respect to planning laws, we have added an element, and that is clause 6 of the Right to Farm bill. Basically, that is to deal with planning principles. It provides:

> (1) The Minister must, within 6 months after the commencement of this section, develop planning principles that are consistent with, and seek to further, the objects of this Act.
>
> (2) The Minister must undertake public consultation in developing, or subsequently altering, the planning principles in such manner as the Minister thinks fit.
>
> (3) The planning principles developed under this section, and any subsequent alterations to those principles, will have effect from the day on which they are published in the Gazette.

The intent of the planning elements is to ensure that right to farm principles are developed and then become model laws in all development plans. In fact, it is something that I was discussing with an advisory group on rural land management this morning in the Adelaide Hills.

As I said, the intent of the planning elements is to ensure that right to farm principles are developed and become the model laws for all development plans, not forced upon councils (as, for instance, the state wind farms DPA was) but the product of consultation, and then resolution of the best way to enshrine the right to farm in development plans, through zoning as an example. I have

already mentioned food production and valuing our farmers in the Year of the Farmer 2012 by valuing our primary producers and our food producers.

I will mention what Anna Bligh's government was looking to do before it lost office last Saturday. It had also woken up to the fact that right to farm in some of the richest cropping country in Queensland was now under enormous threat because of coal seam gas. I am upset in one sense because the environment minister at the time (who resigned to give them the best chance to win the seat against Campbell Newman, the now Premier) was actually championing this. I hope that that legacy is now picked up by the government in Queensland and that we do still see them look after that area with a right to farm for that cropping country because it would also help to focus on what I am arguing for here in South Australia.

I will finish with one final example. We have some great cropping country on Yorke Peninsula. For those who may have had a beer or two in their day, it is good South Australian beer because of the quality of the malt, and Yorke Peninsula has some of the best malt barley growing country in the world. However, that particular region is under threat. It would be a sad day if we could not get malt for our beer from South Australia. It is under threat due to mining and also wind farms, so there is a double-banger happening there.

An honourable member interjecting:

The Hon. R.L. BROKENSHIRE: No, not very easily at all. I am happy to talk about that when we debate the Hon. David Ridgway's select committee. In finishing, I believe that it is time that we did lead Australia once again. This is an opportunity: it is a sensible bill and it is a bill that will ensure sustainability in agriculture, jobs and a strong economy for South Australia. I commend the bill to the house and look forward to contributions from honourable members.

Debate adjourned on motion of Hon. G.A. Kandelaars.

FORESTRY (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 14 March 2012.)

The Hon. D.W. RIDGWAY (Leader of the Opposition) (17:16): I rise to speak to the Hon. Robert Brokenshire's bill, the Forestry (Miscellaneous) Amendment Bill 2012. I do not intend to speak at any great length but members will be aware that this bill has arisen from the member's and probably a number of people's frustration in this chamber about the arrogant approach of the government to sell our state's forestry assets.

It is my understanding that the intention of the Hon. Mr Brokenshire's bill is to somehow enshrine the recommendations of the Roundtable that have been put together by Treasurer Snelling to identify the non-negotiables in the sale of the forests; the sort of things that the community would be happy for that the Hon. Robert Brokenshire is looking to try to enshrine in legislation. We have, at the moment, a forestry select committee looking at the sale of the forestry assets and so it is my intention to move an amendment to this bill that it be referred to the select committee.

I have just had some discussions with the Clerk and it seems the most sensible way for me to deal with that procedurally is to foreshadow today that that is my intention. I have had some discussions with the Hon. Robert Brokenshire and he is happy for it to be considered by the select committee. It makes sense given that we are addressing the whole sale issue on that committee. So I foreshadow today that next Wednesday of sitting I will move the amendment, but at this point in time I will seek leave to conclude my remarks.

Leave granted; debate adjourned.

MOUNT BARKER DEVELOPMENT PLAN AMENDMENT

Adjourned debate on motion of Hon. M.C. Parnell:

That this council:

1. Notes the admission from the Minister for Planning that the government erred in fast-tracking Ministerial Mount Barker Urban Growth Development Plan Amendment ahead of appropriate community and infrastructure provision; and

2. Calls on the Minister to—

(a) Immediately suspend the operation of the Mount Barker Urban Growth Development Plan Amendment and reinstate the zoning that existed prior to 16 December 2010 when the DPA was approved; and

(b) Prepare a new plan for development of Mount Barker and Nairne that respects the wishes of the people of the District and the District Council of Mount Barker.

(Continued from 29 February 2012.)

The Hon. CARMEL ZOLLO (17:18): I rise to speak on the motion of the Hon. Mr Parnell, primarily calling for suspension of the Mount Barker Urban Growth Development Plan Amendment. I am sure that it will come as little surprise to members that the government opposes this motion. I will speak briefly about this motion because I do not wish to hold the council for too long but I believe that there are a handful of points that should be placed on the record.

First, the changes to the Mount Barker Development Plan Amendment cannot be suspended because the process is already complete. Imposing changes to the zoning at this stage would result in massive uncertainty, expose the government and the taxpayer to potential legal action and deprive the Mount Barker community of a massive proposed infrastructure investment.

I understand that the Minister for Planning has met with representatives of the Mount Barker council, and council has expressed its desire to progress a structure planning exercise for an area covering Mount Barker, Littlehampton and Nairne. I am informed that such structure planning work could assist in the delivery of a cohesive urban settlement and provide a basis for the timely provision of local services and infrastructure.

With council itself currently working on a structure plan to provide a long-term vision for all of Mount Barker, Littlehampton and Nairne, not just the new growth areas, it seems excessive to duplicate this process. Finally, what I understand the minister said regarding Mount Barker was not that the government erred in fast-tracking the DPA. What I understand was said is as follows:

I am not in favour of decoupling rezoning from infrastructure planning. With the benefit of hindsight, this was a problem in the Mount Barker rezoning.

This is not an admission or error. It is an acknowledgement that things can be done better in the future. There is a significant difference. It is for these reasons that the government opposes this motion and, indeed, calls on all other members to do the same.

The Hon. D.W. RIDGWAY (Leader of the Opposition) (17:22): I rise on behalf of the opposition to speak to the Hon. Mark Parnell's motion, in which he calls on the minister to overturn the Mount Barker DPA, and also to note the minister's admission over Mount Barker, and to prepare a new plan for the development of Mount Barker and Nairne. I will quickly highlight to the Hon. Carmel Zollo that I was at the luncheon where the minister spoke and addressed the development industry, and he did say that they had got it wrong and that it would not happen again on his watch. I am not sure that—

The Hon. Carmel Zollo: I quoted his words.

The Hon. D.W. RIDGWAY: Well, I suspect that he may have ad libbed a little bit at the lunch, so maybe the words you were given might have been his prepared speech but not the words I heard spoken. However, I welcome this opportunity—

The PRESIDENT: What time of the day was that?

The Hon. D.W. RIDGWAY: Mr President, it was lunchtime. It was probably during the luncheon break here. I often go to those very important meetings during the luncheon break. In fact, I was at one today—

The PRESIDENT: The hoteliers?

The Hon. D.W. RIDGWAY: —with some members of the development industry and a representative of the government as well. The planning minister was at that same luncheon. However, I welcome this opportunity to continue to speak on the issue of Mount Barker. In this instance, I would like to pay particular attention to the Hon. Mark Parnell's interesting approach to this matter over the past three years. It is fair to say that, over that time, Mount Barker has been Mr Parnell's favourite political tool. I believe that he has attempted to capitalise on the public's naivety around the planning process, and he has instilled a lot of false hope in that local community. I gave one example of this in my previous speech, and I will have an opportunity to speak on another when we debate Mr Parnell's other motion.

Many will say that a non-government member should at least be vocal on matters such as Mount Barker, even if they are not in a position to effect practical change. I agree with that assertion, but I do not agree with political stunts wholly designed to appear as though they will bring about beneficial outcomes. I do not believe in instilling false hope in what is a very aggrieved community. What I feel even more strongly about—and this will be the centre of my debate on both of Mr Parnell's motions—is that he ignored the one opportunity he actually had to prevent the government's DPA going ahead, and I will discuss that later.

First, this Labor government, the former planning minister and the current minister have been taken to the cleaners over Mount Barker. I also point out that the current Premier, the Hon. Jay Weatherill, sat in cabinet through that whole period. So, they are all guilty of this particular wrong. Arguably, this ministerial DPA has singlehandedly opened up a huge public debate over our entire planning process. The parliament, media and public have scrutinised every issue, from political donations to the role of the DPC and the Government Planning and Coordination Committee, to the need for government leadership in infrastructure, planning and coordination.

In an extraordinary move last year, the new minister got up in front of over 200 representatives from the urban development industry and attempted to distance himself from all decisions relating to Mount Barker. What he basically said was: 'I realise the government has mucked it up on Mount Barker but I am not prepared to do anything to fix it.' As far as he is concerned, that is a decision of a past cabinet and the minister is washing his hands clean and moving on. I reiterate that the minister and the current Premier—incidentally, the Deputy Premier and the Premier were in cabinet when those decisions were made. The minister is not going to overturn his decision on Mount Barker. He has been questioned by parliament, the media and the public and he is steadfast in his decision.

The other issue I raise is the dangerous precedent that reversing this decision would set for people looking to invest in South Australia. It could have a serious negative impact on our economy and on government coffers. On the back of the Mount Barker DPA, a number of deeds have been entered into, land sold and some development applications lodged. The state government has received a commitment for a vast bulk of the rezoned area to draw developer contributions of around $55 million for augmentation and upgrade of existing infrastructure and the provision of some new infrastructure; however, no formal agreements have been reached. Those funds are mainly committed to roadway and freeway upgrades.

I have sought legal advice on what the compensation implications may be in the unlikely event the DPA was reversed. The Hon. Mr Parnell, in a briefing provided to me, correctly asserts that in cases where development applications have been lodged and approved under new zoning those approvals would remain, despite a reversal. However, I have sought advice and there are several grey areas overlaying the rezoned land. The uplift in land values alone, from a starting point of a damages claim, conservatively could be in the range of $500 million. For those intending to develop the land further the figure would increase.

For those developers that have borrowed funds to purchase land, with the security of development potential in that land but have not yet lodged applications, or had them approved, the reversal of land zoning could cause major financial issues. There are also grey areas around the loss of new and upgraded infrastructure benefitting not only those within the rezoned area but within the existing township. These could include the aforementioned road and freeway upgrades and expanded sewer system, parks and community facilities.

There is no historic example for a zoning backflip of this magnitude. Zonings change over time as circumstances do, but not when a government and a large group of developers have been working towards such a major objective. The reversal of the Mount Barker DPA would set a very dangerous precedent for South Australia and would be an extremely negative message to anyone investing in property. It would be expected that banks would become shy about backing any greenfield developments subject to rezoning, it may cause property prices to drop and see further deterioration in business confidence, already at an all-time low with our state now in a technical recession.

For anyone who mistakenly takes my comments out of context, believing them to be a show of support for the planning situation in Mount Barker, I would like you to give particular attention to the next matter at hand: the Liberals' policies and the Greens' preferences at the last state election.

The Hon. M. Parnell: Give it a rest.

The Hon. D.W. RIDGWAY: The Hon. Mark Parnell interjects, 'Give it a rest'. I might after I have concluded the contribution. To refresh everybody's memory, particularly the Hon. Mark Parnell, I will give you a brief chronology.

The PRESIDENT: Interjections are out of order. You should not respond to interjections.

The Hon. D.W. RIDGWAY: I know it is out of order to respond to interjections, Mr President, but I think it is important—this has been lost in the debate. In June 2009, the minister announced that he had initiated a DPA for that area. In the same month, the Hon. Mark Parnell began scrutiny over the 30-year plan process and the Mount Barker rezoning process. In the following months, he issued a number of media releases criticising the Labor government's approach and condemning them for covering areas around Mount Barker with asphalt. Simultaneously, the opposition was running its policy on Mount Barker, and the policy was very clear:

> That no further expansion of the Mount Barker town boundaries should occur until services and infrastructure were provided to meet current demand. Once that had been achieved then consideration should be given to the expansion in full consultation with the council and the community.

This message was reiterated at public meetings in the local press and in parliament. The local member, Mark Goldsworthy, campaigned hard on the issue.

One would expect the Hon. Mark Parnell's ear would have been firmly to the ground on the issue. The messages from the Labor government were that they were going ahead with the rezoning and not listening to anybody, and those from the Liberal opposition were that they were going to have a modest development, then consult with the community and not have any development but infrastructure. You would have assumed that the stark contrast would have run clear.

Next in the course of events was the March 2010 election. More importantly, it was the Hon. Mark Parnell's and the Greens' first opportunity to genuinely effect change at Mount Barker. Instead, they preferenced Labor in 16 electorates and in the Legislative Council. Some were seats that we happened to win, but incidentally the 16 seats (ahead of the Liberals) were Adelaide, Bright, Chaffey, Finniss, Flinders, Frome, Hartley, Mawson, Mitchell, Morialta, Morphett, Mount Gambier, Newland, Norwood, Sturt and Unley—and, of course, the Legislative Council ticket which was led by the minister for planning (the Hon. Paul Holloway) who the Hon. Mark Parnell was the most critical about. In 10 of those seats I mentioned Labor was preferenced second.

So you can see that the Greens and the Hon. Mark Parnell had an opportunity to make a real difference with Mount Barker and support a party that was only going to listen to the community and was going to have a modest development in line with what the community wanted. In March 2010, with considerable support from the Greens, Labor claimed victory at the polls and to no great surprise then approved the Mount Barker DPA in 2010.

The Hon. Mark Parnell and his party, the Greens, were faced with a clear option. They were able to support Labor and the government's policy on Mount Barker or take a real opportunity to prevent it from happening, but he chose to support the Labor Party and allow it to happen. This seems to have flown under the radar of many of Mark's Mount Barker supporters. Perhaps they have been caught up in his political stunts and propaganda. Either way, they have been taken along for a ride that will arrive at no outcome.

At worst this motion is just another instalment on this ride. At best it is a bid to shut the gate after the horse has already bolted. The Hon. Mark Parnell has chosen politics over genuine change for Mount Barker, so members will not be surprised to learn that the opposition will not be supporting his motion for those reasons. I appeal to him to cease using this emotive issue as a political tool and show his disdain for the Labor government's decision where it counts—at the ballot box.

The Hon. M. PARNELL (17:33): I am delighted to wrap up. Whilst it is tempting for me to follow immediately on from the Hon. David Ridgway's call to the people of Mount Barker to lay back and think of England while the government does what it is doing in there, I do need to acknowledge that the first contribution to this debate came from the Hon. Carmel Zollo, and I thank her for that contribution. I wish to make a few observations on that before I move to the Hon. David Ridgway's contribution, and I thank him for that as well.

The Hon. Carmel Zollo basically started off by looking at a technicality, as you might call it, but I think basically she has fudged it. She said, 'You cannot suspend a DPA, therefore the motion

is invalid.' If the member looked at the motion carefully, she would see that basically the motion calls for the reinstatement of the earlier DPA pending the government going back to the drawing board. I call that a suspension. Maybe when the government goes back to the drawing board, some parts of it might survive; I hope most of it does not survive. But to simply say that this is no good because I use the word 'suspension' and that word does not appear in the Development Act, I think is absolutely fudging the issue.

The honourable member raised the bogy of legal action and, of course, had no example and no cause of action, could quote no common law or statutory remedy that might be available. The Hon. David Ridgway did the same. I will explore that in a little bit more detail when I get to his contribution. The Hon. Carmel Zollo concluded by talking about all the infrastructure that was allegedly at risk. My understanding is that despite all the promises in the world that we are still a long way from negotiating infrastructure arrangements with developers, the council, the government or with anyone else. So I think that is a furphy as well.

As to the Hon. David Ridgway, where do you start? The first thing he says is that the Greens are somehow to be condemned for using Mount Barker, that it is some favourite political tool, apparently, and that we do not really care about it. That is code for a high degree of embarrassment on the part of the Liberal Party that, whilst it is their members who have the lower house seats, it is the Greens who have been there in Mount Barker batting for a better outcome for the people of that community.

The Liberal Party is embarrassed by what the Greens have done, and it is now wriggling and squirming and using double-think language to try to get people convinced that it is actually the true saviour of Mount Barker: if only we had listened to the Liberal Party, then all would be well. I notice that it is not just the Hon. David Ridgway's contribution today, but his leader, Isobel Redmond, has been writing to people in Mount Barker and has tried to have a bet both ways. I will read a couple of extracts from what she has been sending to people who write to her. The people who write to her send me copies of what she writes back. It starts off:

> The Liberal Party remains strongly opposed to many aspects of the Mount Barker development plan. It is a strategy that has been badly planned, poorly executed by the Labor government and demonstrates a profound inability to listen to the overwhelming concerns of the community.

The Hon. R.I. Lucas: Pretty good letter.

The Hon. M. PARNELL: It's a pretty good start—I agree with the Hon. Rob Lucas. What a great start! The rest of the letter says: we're not going to do a damn thing about it. As the Hon. David Ridgway said earlier in a contribution today, he does not even believe in the parliamentary process. He says you cannot achieve change through using parliamentary processes alone.

I have never said that parliamentary processes alone will change the world, but if the honourable member does not believe in parliamentary processes maybe he should vacate that seat and find someone who is prepared to commit to the parliamentary process and try to make things happen through this place. It will not be the Greens' fault that the Liberal Party has absolutely shirked its responsibilities on this issue. Isobel Redmond, the Leader of the Opposition, goes on in the letter to say:

> However, the unfortunate reality is the Labor government has signed binding contractual agreements with developers that quite simply can't be broken.

Let me say that again: she is asserting that the government has signed binding contractual agreements with developers that cannot be broken. Show me those contracts. Prove to me that those contracts exist. What the Liberals are doing here is something that worked for them over Hindmarsh Island Bridge, and they said, 'Oh, we'd love to overturn this really bad decision, but binding contracts have been signed.' If it was good enough 15 years ago, maybe its good enough now.

Show me these binding contracts! What is the government doing signing binding contracts with developers? What is that about? Where are those contracts? According to the people I have spoken to at council or in the local community, there are no binding contracts that have been signed. If the opposition is aware of them, show them to us. I think this is an absolute furphy. The member goes on to say:

> The Liberal opposition is now following with interest the current campaign by the Greens to refer the matter to the Environment, Resources and Development Committee for inquiry and report.

That is not being voted on today; we are going to vote on that next time. The most important word there is 'following', 'The Liberal opposition is now following.' They are following the Greens. The Greens are trying to get some good outcomes for the people of Mount Barker. The Liberals are following, they are desperately trying to catch up, and they can see that people are feeling let down in Mount Barker by the Liberals' inaction.

Isobel Redmond then goes on to talk about preferences in elections and by-elections. How could we have preferenced the Liberals in the Port Adelaide by-election? How could we have done that? They did not even have the guts or the courage to contest a candidate, yet they complain that we did not preference them in Port Adelaide. It is called an own goal, guys—you did not even run in Port Adelaide. How could we preference you?

Members interjecting:

The ACTING PRESIDENT (Hon. J.S.L. Dawkins): Order! The Hon. Mr Parnell has the call.

The Hon. M. PARNELL: Isobel Redmond goes on, and maybe I should just drop to my knees in humiliation before the logic of this argument. Basically, apparently the Greens are responsible for everything bad that has ever happened in Mount Barker or anywhere else in the world. I think we are probably responsible for the common cold, possibly measles and I do not know what other diseases. I guess family breakdown is the Greens' fault as well. The logic of this argument is outrageous:

> If the Greens had acted differently a Liberal government would have been elected and the results for the people of Mount Barker would have been far more favourable. Indeed, the region could have been saved.

It is an absolutely remarkable claim. The Liberals' response—

The Hon. D.W. Ridgway interjecting:

The ACTING PRESIDENT (Hon. J.S.L. Dawkins): Members on my left should be quiet.

The Hon. M. PARNELL: Having had a sook and said that it is all the Greens' fault for Mount Barker, when opportunities are put in front of the Liberal Party to do something about it, to fix it up, they have gone missing.

The Hon. D.W. Ridgway interjecting:

The Hon. M. PARNELL: The Hon. David Ridgway interjects and talks about two years ago. The point is that the Greens have been working on this for a considerable period of time, and the best that the Hon. David Ridgway can do is get up in this place and have a spray that I had the temerity to try to work through processes to get a good result for people.

I went to the effort of putting in a comprehensive submission to the Development Policy Advisory Committee; as result I had a statutory right to appear before that committee and tell it what I thought about the rezoning. The Liberal Party was silent. The Liberal Party is sitting there in the audience and sooking that it did not have the initiative to put in a submission itself. It is not just Mount Barker; it is a whole range of other DPAs.

The Greens are trying to work through the system. We will take whatever opportunity we can. It is sometimes difficult to get good results, but I can tell you that I reckon we are going to get some good results with some of these DPAs, because through the power of argument you can sometimes convince groups like the Policy Advisory Committee to make recommendations which can then be acted on.

The Liberals prefer to sit back, pretend that the parliamentary process is not worth anything and not even engage in the statutory process, not even bother with the process set out in the Development Act to try to counter the arguments the government puts forward for its rezoning. It is an absolutely lazy approach. They do not engage, they do nothing, and they reserve their criticism for those of us who are trying to get a good outcome.

The honourable member also says that by raising these issues we are offering false hope to the people of Mount Barker, that somehow what we are doing—because we are saying that we are trying to get this overturned, we are trying to get an inquiry happening; we fought for years to get documents out of agencies that were reluctant to let go of them—by trying to get a good outcome, is offering false hope.

The honourable member knows as well as I do that the legal system works in such a way that there cannot be a return to an absolutely identical situation that existed earlier. The honourable member acknowledged before—because I told him this information; my role as a teacher in environmental law comes in handy in this place and I have told the member and he understands that now—that if development applications for subdivisions have been lodged they will be judged against the existing development plan.

That does not mean that, if that plan is then effectively taken away and the old plan put back in place, new developers can come along and rely on the old plan. They cannot. They rely on the plan that exists at the date they lodge their application. If the government were to suspend this DPA, basically remove it from the books and replace it with what existed before December 2010, then that certainly would be the case.

However, the member goes on to make up some other stuff. He makes up some stuff about compensation: $500 million. The best legal analysis he has is that some lawyer has told him that there are 'grey areas'. I would ask the member, I would ask the members of the Liberal Party and the Labor Party, to show me a case where someone has successfully sued the state because rezoning has changed the value of land. Show me a case.

Members should know that property values are not regarded as a planning consideration when it comes to the zoning of land, when it comes to the administration of the Development Act. But property values clearly are important to the Liberal Party because its position, as outlined by the Hon. David Ridgway, is that the Liberal Party will guarantee that land will never be rezoned for a lower value than it is currently.

They are always happy for farmland to be rezoned for housing because that increases the value and people make a profit out of it, but they are never going to consider rezoning housing land back to farming, regardless of the requirements of the climate, regardless of the requirements of the community. I bet that the people who follow us, the generations to come, would be very grateful if we have managed to hang on to some high-value farmland within reach of the city of Adelaide for growing food. They will appreciate that that is what we do. So, we have this notion that will be hundreds of millions of dollars of compensation that will follow, and—

The Hon. D.W. Ridgway interjecting:

The ACTING PRESIDENT (Hon. J.S.L. Dawkins): Order!

The Hon. M. PARNELL: The Hon. David Ridgway is now trying to do a, 'Who went to more public meetings on development than I did?' Well, I can tell you, the Hon. David Ridgway: Mount Barker, Wallis Cinemas, 15 hours—I was there for the vast bulk of that. I was there for four of the five nights. I missed the last hour, I think, because I had another commitment.

The ACTING PRESIDENT (Hon. J.S.L. Dawkins): The Hon. Mr Ridgway has made his contribution, and you have yours now.

The Hon. M. PARNELL: I think the Hon. David Ridgway will lose a competition for who is paying more attention to planning and who is batting more for local residents in South Australia on planning. The response of the Liberal Party is absolutely pathetic. It will be seen by the people of Mount Barker as pathetic. They will not say, 'Thank goodness there are some realists in state parliament who realise that nothing can ever be done to fix a bad situation.'

The position of the Liberal Party is that the people of Mount Barker should just get over it. The best that the honourable member can do—and we will discuss it when we get to his motion later on—is that he wants a different sort of inquiry, based on the documents that the Greens fought tooth and nail to get into the public realm. He wants to have a different form of inquiry, but that is the best they can do. He is not prepared to tell the people of Mount Barker that this bad process can be fixed, if only—

The Hon. D.W. Ridgway interjecting:

The ACTING PRESIDENT (Hon. J.S.L. DAWKINS): Order!

The Hon. M. PARNELL: —politicians had the courage to stand up, name things as they are, and support motions like this. As the member knows, this is not a motion to reverse the rezoning; we do not have that power under the Development Act. The best we can do is call on the government, keep putting pressure on the government, keep embarrassing the government, and not making apologies for the government and telling the people of Mount Barker that there is nothing they can do about it.

I am very disappointed with the Liberal position on this. I think they will hear about it loud and long from the people of Mount Barker, who are no doubt following this with great interest. At one level, it does not surprise me, but the Liberal Party has to get over the idea that it did not win the last election. The suggestion that somehow you are not allowed to criticise any party or candidate you put lower than yourself on your how-to-vote card—what does that say to the Liberals in Victoria who preferenced the Labor Party ahead of the Greens in every single seat in the state?

The honourable member started reading out lists of seats in South Australia. Does he want me to get out the Victorian parliamentary list of lower house seats? It is a bit longer than ours, but I can read through them all. I can read through all the seats where the Liberal Party preferenced Labor. Does that mean that the Greens come out saying, 'Gee, now the Liberals aren't allowed to criticise Labor for anything'? Of course not.

The honourable member has to get real; he has to get over the fact that they did not win the last election, he has to get over the fact that we did not preference his party in Port Adelaide—where they did not even run a candidate, for goodness sake—and he should get on to looking after the people who did vote for them in the lower house, in places like Mount Barker. He has to get over himself, and he has to start acting for the constituents the Liberal Party is pretending to represent. I commend the motion to the house.

Motion negatived.

SOLAR FEED-IN TARIFFS

Adjourned debate on motion of Hon. M.C. Parnell:

That this council—

1. Notes that in 2011 the Legislative Council passed amendments to the Electricity Act 1996 that restricted the ability of household and small generators to generate revenue from the SA Solar feed-in scheme by restricting payments to the first 45 kWh of electricity fed into the network each day;

2. Condemns the attempt by ETSA Utilities to retrospectively reduce the number of participants in the SA Solar Feed-in Scheme through the use of new, additional guidelines developed and made known to participants in the solar feed-in scheme only after participants had already made significant investments in solar energy infrastructure; and

3. Calls on the government to ensure that the additional guidelines developed by ETSA Utilities (namely a restriction on households with greater than 3.04 kW Systems installed on meters that record less than 400 kWh of electricity per year) are no longer used to limit the eligibility of households and small generators to participate in the scheme.

(Continued from 29 February 2012.)

The Hon. G.A. KANDELAARS (17:48): Before I begin, I must mention that I have a pecuniary interest in this matter; namely, I have a grid-connected solar power system on the roof of my home, but it will be of no surprise that the government opposes this motion. Honourable members will recall that parliament made amendments to the solar feed-in scheme last year that closed the 44 kilowatt-hour feed-in tariff to new entrants at midnight on 30 September 2011.

The amendments also applied limitations to solar systems approved from September 2010, in that the feed-in tariff is limited to only one generator per customer, limited to the first 45 kilowatt hours per day exported to the grid and excludes solar systems, in the opinion of ETSA Utilities, that are installed for the dominant purpose of feed-in to the grid.

The amendments achieve the aim of upholding the original intent of the solar feed-in scheme and limit the cost impact on all electricity customers at large. I remind the council that the government, in introducing the solar feed-in scheme, made clear its intent to have a feed-in tariff paid on the energy returned to the electricity grid after supplying the solar customer's own consumption needs at any point in time.

The government is pleased that the solar feed-in scheme has been very successful. The council would be interested to know that advice from ETSA Utilities reports that there are now over 115,000 South Australian residences and businesses with approval to install a solar system, with almost 93,000 solar systems installed. Since the scheme's inception, rooftop solar power has become a widely accepted technology in the community. In addition, the industry has grown to become established and has achieved considerable economies of scale in the production of solar systems. The amendments have provided the industry with an appropriate transition away from public support.

After supporting the amendment last year, the Hon. Mr Parnell now wants the government to rely solely on the 45 kilowatt hour per day export limit provision to cap feed-in tariff payments. The government disagrees with this process, as the 45 kilowatt hour per day provision only provides reasonable limits for larger-sized solar systems accessing the feed-in tariff after meeting the householder's consumption requirements at the connection point. It cannot, however, deal with solar systems that are installed for the dominant purpose of feeding in to the grid. Only the amendments to the solar feed-in scheme in their totality achieve parliament's aim.

ETSA Utilities is responsible for implementing the legislation, which excludes solar systems that are installed for the dominant purpose of feeding in to the grid. This requirement is set out in the definition of 'excluded generator' in section 36AC of the Electricity Act 1996. To comply with this obligation, ETSA Utilities established criteria to assist in the identification of solar systems that are installed for the dominant purpose of feeding in to the grid.

Accordingly, ETSA Utilities published guidelines with criteria that identified generators at connection points with system sizes equal to or greater than 3.04 kilowatts and consuming less than 400 kilowatt hours per annum. That is the consumption of less than a 50 watt light globe for a year. Each of the approximately 850 customers contacted by ETSA Utilities pursuant to this provision had consumption levels at the connection point for their solar system that amounted to less than the operation of this 50 watt light bulb.

The government does not consider ETSA Utilities' application of the provision excluding generators that are installed for the dominant purpose of feeding in to the grid to be retrospective. To ensure that customers and the solar industry were aware of the impending amendments, the government's announcement on 31 August was well publicised and included a warning that customers joining the solar feed-in scheme from 1 September 2010 would be subject to the new eligibility criteria, once legislated. Furthermore, the announcement expressly notified customers that generators installed specifically to create a profit from the scheme would be excluded.

I advise the council that the government will not be seeking ETSA Utilities to disregard the criteria it has set to carry out legislative requirements. While the Hon. Mr Parnell may be unconcerned by profiteering from the solar feed-in tariff scheme, the government, on the other hand, is conscious of the cost the scheme has on all electricity consumers. I remind the Hon. Mr Parnell that all electricity consumers fund the solar feed-in scheme through network charges paid as part of their electricity bills.

On a final note, far from condemning ETSA Utilities, the government recognises the effort ETSA Utilities has made in providing options where possible to solar customers to assist them to comply with the requirements of the solar feed-in scheme and retain eligibility for the feed-in tariff. I understand that most of the customers written to have been given an opportunity to rewire or refit their solar systems through another complying connection point on their property to retain the solar feed-in tariff. For these reasons, the government opposes Mr Parnell's motion.

The Hon. D.W. RIDGWAY (Leader of the Opposition) (17:56): I realise that we are very close to the dinner break, but I wish to propose a couple of amendments to the Hon. Mark Parnell's motion. I rise on behalf of the opposition to speak to it. I will move my amendments and then I will seek leave to conclude and then, after the dinner break, we can look at those and allow the Hon. Mark Parnell—

The Hon. M. PARNELL: Are they circulated?

The Hon. D.W. RIDGWAY: They will be shortly; I have given them to the Clerk. They are very minor but I wish to speak to them: Premier Mike Rann announced on 31 August 2010 that the government would be making significant changes to the solar feed-in scheme and that one of these changes would be aimed at weeding out those who had installed photovoltaic systems with the sole intention of making money. Subsequently, when the Electricity (Miscellaneous) Amendment Bill 2011 was introduced, it obliged ETSA to establish the dominant purpose criteria for photovoltaic systems. These criteria were aimed at determining whether a solar system had been installed for the dominant purpose of making a profit.

In speaking about these criteria, the minister stated that they would be aimed at preventing people from installing large solar systems which were not being used as an energy source but simply used to feed electricity back into the grid in paddocks. The government and ETSA did not come together to determine this final criteria until the final day of the scheme on 30 September 2011. The criterion was set out for systems of 3.04 kilowatts or greater. A minimum number of 400 kilowatts of electricity would have to be consumed at the meter that the solar panels were

installed upon to be eligible to receive the feed-in tariff. This criterion was applied retrospectively when the electricity use at the installed photovoltaic site was measured for the 12 months prior to the installation.

This has caused many constituents, mainly farmers, to be caught out by this criterion, and they now find themselves in a position where they will not be receiving the feed-in tariff. The majority of these constituents were told by their solar providers to put the systems on their sheds because it was a better position for their panels and would maximise the benefits of the scheme. It should be noted that in previous times farmers were required to have a separate meter for their sheds as the charge for rural power was different from that for domestic power.

It has been the opposition's contention that since this dominant purpose criteria was announced there was already a measure in legislation that prevented profiteering. This was a 45-kilowatt cap per day on the amount of electricity that is fed back into the grid and that the feed-in tariff can be received upon. My colleague in another place the shadow minister, Mitch Williams, has said this publicly and has urged the minister in numerous letters to remove the dominant purpose criterion and leave the 45-kilowatt cap as a measure to prevent profiteering.

Therefore, I indicate that the opposition will be supporting part 1 of the Hon. Mark Parnell's motion but will be moving to amend the other two parts of this motion. While ETSA is enforcing the dominant purpose criterion, it was the government that developed it and we believe the motion needs to be amended to reflect this. I indicate that we are supporting the first of the three points in the Hon. Mark Parnell's motion but not the second point. I will read these amendments out and then I will seek leave to conclude and I hope the Clerk will be able to circulate them over the dinner break.

The second point is that the council condemns the attempt by the state government to oblige ETSA to retrospectively reduce the number of participants in the South Australian solar feed-in scheme through the use of new, additional guidelines developed and made known to participants in the solar feed-in scheme only after participants had already made significant investments in solar energy infrastructure.

The third point calls on the government to ensure that the additional guidelines developed by the state government and enforced by ETSA Utilities (namely a restriction on households with greater than 3.04 kilowatt systems installed on meters that record less than 400 kilowatt hours of electricity per year) are no longer used to limit the eligibility of households and small generators to participate in the scheme. With those words—

The ACTING PRESIDENT (Hon. J.S.L. Dawkins): Are you moving those amendments?

The Hon. D.W. RIDGWAY: I have not moved them; I have just foreshadowed them, but I now seek leave to conclude my remarks.

Leave granted; debate adjourned.

[Sitting suspended from 18:00 to 19:48]

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

Leave out paragraphs 1 and 2 and insert the following:

2. Condemns the attempt of the state government to oblige ETSA to retrospectively reduce the number of participants in the SA Solar Feed-in Scheme through the use of new, additional guidelines developed and made known to participants in the solar feed-in scheme only after participants had already made significant investments in solar energy infrastructure; and

3. Calls on the government to ensure that the additional guidelines developed by the state government and enforced by ETSA (namely, a restriction on households with greater than 3.04 kilowatt systems installed on meters that record less than 400 kilowatt hours of electricity per year) are no longer used to limit the eligibility of households and small generators to participate in the scheme.

I foreshadowed this amendment and made members aware of the wording. It has been circulated now. It is a very simple amendment, and that is to put the onus back on the government. The Hon. Mark Parnell was saying that it was all ETSA's fault. In the opposition's view, it is the government's fault. If members would like to look at the motion or the *Notice Paper*, they will note that I am moving an amendment to replace paragraphs 2 and 3. They are exactly the same, except

instead of saying 'condemns the attempts by ETSA' it says 'condemns the attempts by the state government to oblige ETSA'. That is in the wording in the second point.

In the third point, it starts off saying, 'Calls on the government to ensure that the additional guidelines developed by ETSA'. The new amendment says, 'Calls on the government to ensure that the additional guidelines developed by the state government and enforced by ETSA'. So, it is a very minor amendment, but we do not think that the blame should be sheeted down at ETSA. ETSA is certainly enforcing it, but it is a government initiative. It really is a very minor amendment. I am happy to support the Hon. Mark Parnell's motion, but we do think that it is the government, rather than ETSA, that should be held to account.

The Hon. M. PARNELL (19:50): In summing up, I would like to thank the Hon. Gerry Kandelaars and the Hon. David Ridgway for their contributions. I have a few brief observations about both of those contributions. The Hon. Mr Kandelaars said that the changes were not retrospective. I beg to differ. His argument in relation to retrospectivity is that, if the Premier says something in a press release and then it comes to pass in legislation, that means that it is not retrospective. Well, I beg to differ. I do not think we are at the stage yet of legislating in this state by media release or by Premier's announcements. We legislate through legislation. It is a retrospective change, and this motion calls on the government to back away from it.

The Hon. Gerry Kandelaars uses a word that you often hear from the government when this matter is being discussed, that is, 'profiteering', this notion that it is dirty and unacceptable for people to do anything other than make a loss when it comes to something good like renewable energy. Yet, if a coal-fired or gas-fired power station ran its business by making a loss then it would be a complete disaster and it would go out of business. No-one is suggesting that carbon-emitting fossil fuels will or should do anything other than operate at a profit.

I do not accept that this is a case of profiteering. The people with solar panels are making—let us name it for what it is—peanuts, because we already have the maximum size of the scheme which ensures that no-one is making a whole lot of money out of this scheme. The people who are making more than they are spending in electricity are, in effect, paying off their private investment, and for many of them it will take many years. So, I am not surprised that the government is not accepting this motion.

The Hon. David Ridgway had a very sensible contribution. If there is a doctor in the house I think the Hon. David Ridgway is in need of a heart starter. The Hon. David Ridgway has put forward some amendments, which basically seek to sheet home the responsibility for this mess to the government rather than blaming ETSA Utilities. My view is that both parties are to blame, but I am certainly not going to quibble with the honourable member's amendment.

Certainly, the government should be in our sights first and foremost, so therefore I find the amendment acceptable, although I think that ETSA Utilities, that foreign-owned corporation based in the Caribbean, its role is not without blemish, It is effectively working in cahoots with the government to set retrospective rules that make it tough on people who are seeking to do the right thing by the climate through installing renewable energy.

The one other thing I wanted to say very quickly is that whilst this motion refers to the attack on those people, many of them farmers who have put solar panels on their sheds, for example, where the metered use of electricity is very low, I am very sad to say, but I have to tell the council this: ETSA is at it again. There is a new crusade on the horizon where it has a whole new cohort of people it wants to attack and scrub off the solar feed-in scheme.

I refer members to the *Industry News* put out by ETSA Utilities which just came out a week or so ago. What ETSA Utilities say in this is that they are going to be reviewing their records and contacting customers where they believe that a customer is receiving a feed-in tariff for a generator that does not meet the criteria of being a sole connected generator. In other words, they are now looking to target people who they say have second generators and they are going to make sure that they get off from the scheme.

The problem with this approach is that it flies in the face of what a lot of people have been trying to do—in particular, people such as those in local councils where they have sought to have multiple connections with solar panels. Local councils might have solar panels on the community centre, the library, they might even have them on the public toilets. Yet, ETSA is now out on this crusade trying to make sure that no single customer has more than one connection.

What they would probably be targeting is people who have panels on their house and then panels on their holiday house. But the problem with ETSA Utilities' approach is that they do not really have a detailed understanding of who out there are the owners of properties, the proprietors of properties and people who control the utility bills in those properties.

To give an example, a member in another place Mr Dan van Holst Pellekaan, in debating this bill last year, pointed out a constituent of his who had a number of bed and breakfast accommodations, and each of those B&Bs had solar panels but each of the B&Bs was actually technically owned by a different entity. For example, you could have Holiday House Pty Ltd No. 1, No. 2, No. 3—so, technically separate companies—and, even though they might all be in common ownership in terms of the people behind the company, they might be entitled to get a feed-in tariff for each of those places.

Yet, if someone is unfortunate enough to have two properties—maybe it is a primary house, maybe it is a rental house as well—and if they are in the same name, say, Mr and Mrs Smith, they are going to be chopped off the scheme for their second solar system. But if Mr Smith has the house and Mrs Smith has the rental place or the holiday place, then presumably they will not be cut off because they will be in different names.

It is completely arbitrary, and it is harking back to issues that no-one thought about when these arrangements were put in place. It is similar with people who are perhaps a husband and wife who own a property but the electricity bill might just randomly be in one name or the other depending on who happened to be around to sign the forms when the electricity was being connected. At my place, I am pretty sure our electricity bill is in my wife's name because I think she was the one who signed the forms when we moved in. The solar panels: I signed those forms. There was no cross-checking. ETSA Utilities really have no idea and they should butt out.

That is not strictly the subject of this motion but I thought I would raise it now rather than introduce a separate motion to deal with it separately. I thought I would mention it now because ETSA Utilities is at it again. They have this antipathy towards solar power—and when I say ETSA Utilities I include the state government in that—and they are chasing peanuts. They are chasing people who have tried to do the right thing. The amounts involved are very small and here they are making their life a misery.

With that, I accept the amendment moved by the Hon. David Ridgway. I fully expect that we have the numbers in the Legislative Council today to call on the government to back away from their crusade against solar panel owners and I recommend the motion to the house.

The CHAIR: I'm astonished that people are going to deal with this amendment, just having received it, but that is okay I suppose.

Members interjecting:

The CHAIR: The government has been very tolerant.

Members interjecting:

The CHAIR: Order!

Amendment carried; motion as amended carried.

WIND FARM DEVELOPMENTS

Adjourned debate on motion of Hon. D.W. Ridgway:

1. That a select committee of the Legislative Council be established to investigate wind farm developments in South Australia, with the following terms of reference:

   (a) separation distances between wind turbines and residences or communities;

   (b) the social, health and economic impacts of wind generators on individual landholders, communities and the state;

   (c) the need for a peer-reviewed, independent academic study on the social, health and economic impacts of wind generators;

   (d) the capacity of existing infrastructure to cope with increased wind power;

   (e) the cost of wind power in South Australia;

   (f) the environmental impacts of wind generators;

   (g) the siting of wind generators in South Australia;

(h) the approval process of wind farms in South Australia;

(i) the preparation of the Statewide Wind Farm DPA; and

(j) any other matter the committee deems relevant.

2. That standing order 389 be so far suspended as to enable the chairperson of the committee to have a deliberative vote only.

3. That this council permits the select committee to authorise the disclosure or publication, as it sees fit, of any evidence or documents presented to the committee prior to such evidence being presented to the council.

4. That standing order 396 be suspended to enable strangers to be admitted when the select committee is examining witnesses unless the committee otherwise resolves, but they shall be excluded when the committee is deliberating.

(Continued from 15 February 2012.)

The Hon. CARMEL ZOLLO (20:01): It will come as little shock to members here that the government opposes this motion. I will endeavour to keep my remarks brief again, in the light of what I expect what will happen when this comes to a vote. Indeed it will bring to 11 the number of select committees now for consideration in this chamber. I think it might be a good idea to place some facts on the record.

The success of South Australia to develop substantial capacity to deliver clean green electricity from wind is a tribute to our state. The Clean Energy Council estimates that $2.8 billion has been invested into the state's wind power sector, generating 806 jobs directly and 2,417 jobs indirectly. I understand that the state has 1,150 megawatts of capacity and that this represents in the order of 54 per cent of Australia's total wind power generating capacity.

In 2010-11, wind comprised 21 per cent of electricity generated within South Australia. This means that the government's target of having 20 per cent of its electricity coming from renewable sources by 2014 has been met three years ahead of schedule. It is also nine years ahead of the national target. The government is now moving on to the next phase of the development of the renewable energy industry by working towards its further target to have 33 per cent of its electricity come from renewable sources by 2020.

The ability of South Australia, and indeed the nation, to adapt to a low carbon future is of paramount importance but, more than that, honourable members may be aware that the Statewide Wind Farm DPA is currently being reviewed through the consultation process. I understand that the Hon. Mr Parnell has made a submission to the consultation process. However, I am led to believe that there have been no other submissions from members of this chamber, though I understand that members from the other place have also contributed. The consultation process is still progressing with the independent advice of the Independent Development Policy Advisory Committee, taking into account the content of all submissions expected to be provided to the minister shortly.

It seems to me to be pointless to duplicate much of the work the Independent Development Policy Advisory Committee is undertaking. Surely it is at the very least premature for the motion to be moved for the reasons given, when many of the concerns may well end up being addressed by the process underway currently. The government opposes this motion because of the unnecessary duplication it will lead to. There may well be some elements worth investigation within the terms of reference, but to undertake this while an independent agency is already reviewing much of the same content is, to the government, unnecessary. For all the logical reasons I have just outlined, I urge other members to also oppose this motion.

The Hon. M. PARNELL (20:05): I move:

Delete paragraphs 1(e) and 1(f) and insert new subparagraphs as follows:

(e) The costs and benefits of wind power in South Australia;

(f) The environmental impacts of wind generators and wind power generally;

The Greens will support this motion, this call for the establishment of a select committee, but I have suggested, and now move, two small amendments that have been circulated. I will quickly run through what these amendments are before I speak to the merits of the proposal. The terms of reference of the committee are listed in the motion at (a) through to (j), and I am proposing minor changes to two of those terms of reference.

Term of reference (e) currently reads 'The cost of wind power in South Australia'. I propose that be changed to 'The costs and benefits of wind power in South Australia'. I think that is important, because it broadens out the scope of the inquiry to make sure that the benefits—in particular the environmental benefits of wind farms—are considered along with the costs.

I am also seeking to amend term of reference paragraph (f), which currently reads 'The environment impacts of wind generators', to read 'The environmental impacts of wind generators and wind power generally'. The importance of that amendment is that we want to make sure that the environmental impacts that will be considered are more than just the footprint, if you like, or the immediate impacts of generators in the local landscape. We also need to look at the environmental impacts of wind power generally. That will include the carbon reduction potential of generating electricity from wind rather than from fossil fuels.

The Hon. Carmel Zollo in her contribution mentioned that I had put in a submission to the statutory process of public input into the development plan amendment for wind farms, which is a ministerial state-wide DPA. Members might be surprised that the conclusion the Greens came to in that submission was to actually reject the mechanism that the government had in mind for changing the planning rules for wind farms.

It is not that we are at all against wind farms—in fact, we want to see more wind farms in South Australia; they already play an important role in our clean energy future and we think they will play a bigger role in the future—but we are not convinced that the way the government has approached the planning of wind farms is the right way to go, so I put in a submission opposing that particular DPA.

I think where the Hon. Carmel Zollo has missed the point is that she is suggesting that this inquiry is somehow an unnecessary duplication of the inquiry that the Development Policy Advisory Committee is undertaking. Nothing could be further from the truth. When you think about it, what role do members of parliament have to ask questions in a DPAC hearing? None; we have no role at all to inquire or investigate, and we certainly have no role in reporting.

As members would know, DPAC's job is to advise the minister, and we have discussed amendments to the Development Act in the past, but the final outcome of all that is that we still do not get to see their report until after it is pretty well all over. So there is absolutely no duplication with members of parliament being able to hear from witnesses, whether they be from industry, the community or from the government itself, and to come to our own independent conclusion—which may be a very different conclusion to that reached by the Development Policy Advisory Committee.

I also reject the other point that the Hon. Carmel Zollo made that the exercise is pointless. She also said that it is premature. It is not premature; in fact, it is absolutely timely, because the Minister for Planning will, hopefully, have the advantage of a very considered report of the select committee of the Legislative Council at the same time that the minister has the ability to consider the DPAC advice. So rather than being premature it is, in fact, the right time for an inquiry like this.

With the changes I have proposed—and I understand from the Hon. David Ridgway that he is comfortable with the changes—I expect that this committee will be established. What will be interesting, of course, is who goes on the committee. I have said to the mover of the motion that I am happy to represent the Greens on that committee. We will see what the final outcome is, but it may well turn out that we have five different parties, or representatives, Independents, on the committee, which will be a very different look committee to those we normally see, which comprise Liberal, Labor and maybe one crossbencher.

Hopefully, we will be able to come to a common conclusion. I hope we do not have a committee that results in five minority reports, but certainly I am looking forward to exploring some of the issues in these terms of reference. I will be doing it from the point of view of trying to make sure that we provide for a solid future for wind farms in this state, that we do not ride roughshod over local communities, and that we make sure that we bring communities with us.

I think there is great potential for communities to embrace wind farms, provided their concerns are dealt with and listened to and that we get clear planning rules in place that are not arbitrary and do recognise local and regional differences. So, the Greens will be supporting the creation of this select committee.

The Hon. J.A. DARLEY (20:10): The issue of wind power and wind farms is difficult and is an issue in which I have a particular interest, as my son is development executive for wind power generation of a major Australian energy company. Nobody disputes that renewable energy is

undoubtedly beneficial to the environment and therefore to the community in the long term; however, any potential negative impacts must be examined, and a risk assessment conducted, in order to assess the viability of renewable energy alternatives—this is particularly true for wind farms.

In October 2011, former premier Mike Rann announced the state government's commitment to reach a renewable energy target of 33 per cent by 2020. Some saw this as a move to support the development of the controversial Allendale wind farm, which was blocked by the courts on the basis of visual pollution. Whatever the reason, for future planning the state should aim to wean itself off its reliance on fossil fuel. Renewable energy is better in some respects; however, there must be a balance.

I understand that the current research into the health effects of wind farms is inconclusive. There is no scientific evidence which proves that wind farms are harmful, nor is there any research which shows that wind farms are safe. There are, however, plenty of examples of people who live in the proximity of wind farms who suffer from a range of ailments, including headaches, nausea, depression, high blood pressure, insomnia, and pressure to their ears and head. Similarly, there are plenty of examples of people who live in the proximity of wind farms who have no reaction whatsoever.

Some say that adverse health effects may be a consequence of stress attributed to living in the vicinity of a wind farm and that this stress is especially elevated where there is no financial recompense. I want to make it clear that I do not think that people who are not being financially compensated are making up their symptoms; I am merely saying that these symptoms could be attributed to a number of things and that there is no conclusive evidence as yet.

In addition to the health effects of wind turbines, I note the concerns that the South Australian Farmers Federation has with relation to crop spraying. There are concerns that turbulence caused by wind turbines can affect planes. However, I am not aware of any cases around the world where planes have been adversely affected as a result of flying too close to a wind farm. Further to this, I am advised that the Aerial Agricultural Spraying Association has issued guidelines for buffer zones in regard to wind turbines similar to those that current exist for transmission lines and silos; however, I understand these buffer zones are quite large and not always adhered to.

I understand the federal government established a Senate committee to investigate the social and economic impact of rural wind farms. The terms of reference for this select committee are very similar, and I note that the Senate committee recommended that, as a matter of priority, the federal government should fund further studies on the possible effects of wind farms to human health. I understand that there are ongoing studies into the effects of wind farms around the world. I believe it is important that this research continues so that that any issues identified can be addressed to protect those who may be adversely affected.

The Hon. R.L. BROKENSHIRE (20:15): Family First have done a lot of work on this wind farm issue. In fact, I have a significant file just on the wind farm issue. We will leave it up to the mover of the motion as to how he goes about taking amendments, as the Hon. Mark Parnell has already highlighted to the chamber. Suffice to say that, in his dying days the former premier (the Hon. Mike Rann) made some decisions that I feel, again, were not within process, were unprecedented and put at risk the basic principles and processes of planning.

There are also arguments about the impost on right to farm, amenity of locality and the enjoyment of that, health issues and what may occur with respect to the cost of renewable energy and baseload power provision. So, there are a lot of issues there. I think the Hon. David Ridgway has done the right thing in moving this select committee. Family First think the unwinding of this debate so that we can come back in with some specific recommendations and facts is sensible. Therefore, Family First will support this committee.

The Hon. D.W. RIDGWAY (Leader of the Opposition) (20:16): I will quickly sum up the debate and indicate that I am happy to accept the amendments of the Hon. Mark Parnell. I think they are sensible amendments, and I do not want to constrain the inquiry at all. In relation to wind farms, as members are well aware, I participated in a fact finding mission to Eyre Peninsula last week. I did meet with some—

The Hon. G.E. Gago: That's not how they described it.

The PRESIDENT: Order!

The Hon. D.W. RIDGWAY: I did actually visit some tourism operators and you should hear what they say about you, so I would not go down that path if I were you. I will get distracted; if I have to start talking about tourism, regional development, agriculture and food and fisheries, I will be here all bloody night, so I do not want to start. However, I did visit a group of farmers near Elliston who have a proposal—I think it is from Origin Energy—for 600 turbines, and they are desperate—

The Hon. R.L. Brokenshire: Six hundred?

The Hon. D.W. RIDGWAY: Six hundred. There are about six farmers affected and only about four houses in that area. They are the sorts of areas I think we should be looking at for these developments, because it is a massive development. I am sure that wind power will be an important part of the mix of our energy requirements going forward, but I think it is an opportune time to look at this issue. That is why I have moved the select committee.

It really was in response to former premier Rann and planning minister and Deputy Premier John Rau's arrogant move to the statewide Ministerial Development Plan Amendment that imposed a one-kilometre exclusion zone. The catalyst to all of this was that suddenly the government was treating the whole state as its own little plaything when it came to wind energy. I do not wish to prolong the debate. I thank members for their contribution and I indicate that I am happy for the chamber to support the Hon. Mark Parnell's amendments.

The PRESIDENT: I must say the government is very tolerant with this late tabled amendment tonight.

Amendment carried; motion as amended carried.

The Hon. D.W. RIDGWAY (Leader of the Opposition) (20:19): I move:

That the select committee consist of the Hon. A. Bressington, the Hon. R. Brokenshire, the Hon. M. Parnell, the Hon. C. Zollo and the mover.

We have, I think for the first time, a select committee with one member from Liberal, Labor, Greens, Family First and an Independent, so it is one of the most democratic select committees we have ever had.

Motion carried.

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

That the select committee have the power to send for persons, papers and records, to adjourn from place to place and to report on 18 July 2012.

Motion carried.

AUSTRALIAN YEAR OF THE FARMER

Adjourned debate on motion of Hon. J.S.L. Dawkins:

That this council—

1. Notes that 2012 is the Australian Year of the Farmer; and

2. Acknowledges the contribution that farmers and all others involved in primary production make to both feeding our nation and to sustaining Australia's economy.

(Continued from 15 February 2012.)

The Hon. G.A. KANDELAARS (20:20): The Australian Year of the Farmer 2012 rightly celebrates the vital contribution farming makes to our national landscape: the people, the industries and the amazing products grown and made. But forget about the stereotypes and clichés; this year is about more than simply recognising the much-loved image of the quintessential hat-and-boot-wearing farmer leaning against his dusty ute with his faithful kelpie by his side

It is widely recognised that Australian farmers, both men and women, are some of the most innovative and technologically advanced in the world. Farmers in 2012 are more driven, adaptable, resilient and market savvy than ever before. More than $15 billion worth of economic benefit—that is, 10 per cent of gross state product—and almost one in five jobs result directly from the agribusiness sector. As a state government, we want to drive this sector even further. One of our seven primary areas of focus for action is to ensure that South Australia becomes the clean and green food bowl of the world.

Yes, we really fit this bill and have an enviable reputation as one of the world's most sustainable food producing locations due to clean, green land and marine environments and eco-friendly policies. However, there is scope to further increase productivity and efficiency in our food system. Opportunities to do this have already been identified through our Thinker in Residence program. Professor Andrew Fearne's report, Sustainable Food and Wine Value Chains, outlines how we can capitalise on our position as a food and wine innovator. The Fearne report found that South Australia has a competitive market advantage that we can further leverage.

We now need to step up to the plate and market our rural industries to both Australia and the world and take advantage of the existing value chain and clean, green export opportunities. By increasing the value of our primary production, entire regional communities will benefit. Complementary industries, such as global food and wine and ecotourism developments, mining support services, forestry, food and wine processing will also be boosted. There are exciting times ahead for South Australia's farming community, and we hope for another productive and profitable 2012. I encourage all South Australians to enjoy the increased and much-deserved attention the Year of the Farmer brings to our lives.

The Hon. M. PARNELL (20:24): The Greens are very pleased to be supporting this motion and acknowledging the Year Of the Farmer and the contribution that farmers and others involved in primary production make both in feeding our nation and sustaining our economy. I do not think anyone here will disagree with the assertion that food security is an absolutely critical issue for Australia. In fact, I am reminded that there is a saying. It is often printed on T-shirts. It is attributed, I think, to one of the Northern American Indian chiefs, and it goes something along the lines of 'Not until the last tree has been chopped down and the last fish has been caught will people eventually realise that you can't eat money.'

We are going to have to have a viable agricultural sector for ourselves and also for other countries that simply will not be able to produce the amount of food they need for their people. We debate in this place a lot the various components that make up our economy, whether it is the motor vehicle manufacturing sector, the mining industry or fishing, or whatever it might be, but certainly agriculture is, always has been and I think must remain, a vital part of our economy. But that does not mean that it is not a sector of our economy that is under threat.

The first of these threats that I would like to refer to is in relation to the threats that we now have on the traditional family farm model from a range of sources but, in particular, foreign ownership. One of the things the Greens have been doing in the federal parliament, in cooperation with our former colleague here, now Senator Nick Xenophon, is that we have been working legislation in the federal parliament to require the Foreign Investment Review Board to review major sales of agricultural land and to make sure that that review tests those sales against the detailed national interest test.

That notion still has a way to go before it will receive general acceptance, I think, but certainly there is great pressure afoot for this move to be implemented. Members who read *The Weekend Australian* would have seen the full page in the issue of the 24-25 March this year, in the Inquirer section of the newspaper, the banner headline 'End of the family farm?' What that article spells out is what they describe as the 'chorus of concern' about foreign ownership of farmland that is daily growing, and it is being fuelled by frequent news of large property sales to foreign companies.

The article sets out that a study by the Australian Bureau of Agricultural and Resource Economics and Sciences in January this year found that 11.3 per cent of Australia's farmland (that is some 44 million hectares) was owned or part owned by foreign interests in 2010. In the Northern Territory the share was 24 per cent. I do not have the figure for South Australia. There is also anecdotal evidence that this rush for land is increasing.

But it is only sales of farmland that are valued at more than $244 million that require Foreign Review Board approval, and many farm organisations (and the Greens agree with them) say that this threshold is too high. There are hundreds of rural property transactions that slip under the radar; they are unrecorded. The federal opposition has called for the threshold above which foreign rural property sales need to be scrutinised by government to be lowered to $20 million. The Greens are saying that it should be a $5 million threshold.

So, that is the first threat that our farmers are facing: the threat to the family farm. Another threat we have not seen as much of here in South Australia, but certainly we are seeing it in New South Wales and, in particular, in Queensland, and that is the threat to farming from mining

operations and from coal seam gas operations as well. That campaign to protect Australia's food bowl has gathered to it a range of strange bedfellows.

There are many people who the Greens have certainly lined up with, who we do not normally see eye to eye with, but on this particular issue we are keen to protect valuable farmland from having its water resource destroyed by coal seam gas mining, or having the land itself destroyed by some of the coal mining, in particular, that is being undertaken in those other states. So, that is another threat that our farmers are facing.

A third threat, and this does apply very much to South Australia as much as to farmers in other states, is the impact on farmgate prices of the Coles and Woolworths duopoly, the fact that those two companies control such a massive percentage of our grocery market. The Greens believe that this duopoly of interests works directly against the interests of rural and regional Australia, and it also does not serve well the interests of consumers or anyone in small business.

There has been a real stoush in the federal parliament this year with parties unable to agree on giving direction to the ACCC to, basically, address this duopoly that is so bad for business. We have been disappointed, at the federal level, to see Liberal, Labor and National MPs voting down motions that are put forward to try to get the ACCC more involved and to do some serious work on the impacts of that duopoly on consumers, but for present purposes on farmgate prices for family farmers. So, that has been disappointing.

We also have a threat that we have referred to in this chamber in the last month or so, that is, the lack of labelling of produce so that it is possible to accurately identify where it comes from. The labelling that most people are familiar with is in terms of country of origin and the notion of something being made in Australia, but the Greens believe that we should be giving specific support to South Australian farmers with place of origin, or even region of origin labelling.

There was a great deal of controversy towards the end of last year and early this year, when it became apparent that the 'Made in Australia' labelling on food in our supermarkets meant no such thing. The great irony is that the major supermarkets can import fruit and vegetables and package them in packages that have Australian landscapes printed on them, yet when you find out where they have really come from they have simply been processed and packaged here but the actual food itself comes from overseas. So, that is a real threat as well.

A particular threat, and I will not talk about it at great length because we have discussed it a little bit tonight, is the threat to some of the farmland in close proximity to Adelaide itself. We are looking at the areas with great food growing potential in the Adelaide Hills around Mount Barker and the northern regions around Gawler, and we have also had a number of threats to farmland in the McLaren Vale area as well. We are going to be addressing that in this term of parliament, I presume, when we get legislation back before us dealing with the Barossa and McLaren Vale regions, but if there was no threat to farmland there would be no need for legislation, so clearly that is a relevant threat that we should be looking at in the Year of the Farmer.

I would like to finish on a positive note. There are a number of moves, or developments, that actually do promote the interests of farmers. Farmers markets are starting to proliferate around the metropolitan area and the state. I think urban people are finding it very attractive to buy directly from producers, you know, eyeball the person who grew the produce and buy it from them direct, and those growers are commanding far better prices than they would if they were forced to sell their merchandise through the duopoly of Coles and Woolworths.

We also have a range of community-supported agricultural box schemes, as they are called, where you can order a range of fresh produce, which is either collected by you locally from an agent or delivered to your door. A lot more direct marketing is happening in the agricultural sector, and these are positive developments for local farmers. They are putting people in the city in touch with farmers directly. I think we should be encouraging and supporting all such initiatives that directly benefit the people who grow our food. Whilst it might be seen as a bit of a hippy or fringe activity, you only have to go to these farmers' markets to see that it is not so. It is mainstream Australia getting back in touch with those people who create the food.

I understand that in the state of Oregon in the US, the number one biggest job creator in the whole state is local, organic direct food connection. It is an absolutely booming part of their local economy. With those brief words, the Greens are very happy to support this motion. We congratulate the Hon. John Dawkins for bringing it to us and we look forward to working in this place over the next several years to give our farmers the best possible go to provide the food that we all need.

The Hon. D.W. RIDGWAY (Leader of the Opposition) (20:36): I rise to make a few brief comments—maybe briefer than the brief ones of the Hon. Mark Parnell. Just looking at the motion that has been moved by the Hon. John Dawkins that we acknowledge the contribution that farmers and all others involved in primary production make to feeding the nation and sustaining the nation's economy, I would like to quickly take people back to when farming first started in this country, particularly in this state.

The Hon. R.I. Lucas: Really? Can you trace it year by year since then?

The Hon. D.W. RIDGWAY: Yes, I'll take a couple of hundred years to trace each year. Of course, it is an industry that built this nation. We used to ride on the sheep's back, as we all know. Our economy has diversified and transformed somewhat over the last 200 years. As I mentioned, I was recently on a fact finding mission on Eyre Peninsula and I think it is quite stark there when you see driving down the road every now and then the ruins of a little old farmhouse where somebody got an allocation of land, bought some land, cleared it, developed it, built a house (probably with their own hands) and raised a family, but of course times have moved on and now that is derelict and a ruin.

I think it is those people we should take our hats off to who helped build this great nation and the economy that we enjoy today. The heartache and the blood, sweat and tears that went into a lot of those small farming operations helped to build our communities and develop our nation. While we need to be cognisant of the need to feed the world and the contribution farmers make today, I think we should never forget the contribution that farmers made in building this nation to where it is today.

I saw that transformation when I was out at a place called Coorabie about 180 kilometres west of Ceduna. I think Pintumba is the Viterra site where you deliver grain. It is the most western silo in the state. I was staying with some friends there and was looking at their property. When they moved there—and I think it was about 13 years ago—there were 17 farming families who delivered grain to that silo. Today there is only three. Again, that shows the transformation. Yet, they deliver more grain.

You might laugh but in fact those three families deliver more grain than the 17 did. They use the latest technology. As the Hon. Gerry Kandelaars said, they are some of the world's most efficient, resourceful and innovative people. You look at this husband and wife and their son living almost 200 kilometres west of Ceduna, growing some wonderful crops and contributing to the economy and wealth of our great state.

I have been a farmer for the first 23 years of my working life. I did transition a little bit. A bit like the Hon. Robert Brokenshire, I was double dipping. I was a farmer and a politician. Of course, then I realised that the service to the people of South Australia was more important than being a farmer, so I sold my property to my brother.

The Hon. R.L. Brokenshire: You can do both. Just give up sleep.

The Hon. D.W. RIDGWAY: The Hon. Robert Brokenshire doesn't sleep. I need a bit of sleep, but obviously the Hon. Robert Brokenshire doesn't sleep. In selling my family farm, I sold it to my brother. I was talking to him about six months ago and he was lamenting the fact that they have quite a robust mixed farming operation—grain, cropping, sheep, horticultural crops and a small sand washing business. They have a little bit of mining diversity. He said it was almost one day a week they needed one person to deal with the compliance imposed on them by government, and that is not necessarily any one particular colour of government.

Government compliance means that in a family farming business, it is almost one person a week to deal with the office work and the compliance. Again, I think we have to be careful we do not over-regulate our farmers. I know the Hon. Mark Parnell and some others in the community support farmers, but are always trying to point the environmental stick and the animal husbandry stick at them. You, sir, have shorn thousands of sheep—one of the South-East's gun shearers at the time, as you were—

The Hon. R.L. Brokenshire interjecting:

The Hon. D.W. RIDGWAY: Well, maybe not a million. You would know, Mr President, that the sheep that were best to shear and that returned the best to the farmer were the ones that were cared for the best. The pastures were good and healthy and the sheep were well looked after, as with any other animal or anything that is farmed, and I suspect it is the same whether it is a fish in the sea in aquaculture or an animal on land. The better they are cared for and the healthier the

environment in which they are raised, the better they are. The same applies with crops and production from the land: the healthier the land is, the better the crops are.

There has always been a bit of an arm wrestle between the environmentalists, the Greens and the farmers, but at the end of the day my view is—and I have seen it first hand—the vast majority of, if not all, farmers have a passionate understanding of the environment they work in, and they do care for their properties and the environment as they know that it is in the best interest of a financial return and in the best interest of the country.

The Hon. Mark Parnell talked about mining and coal seam gas, and certainly they are risks to certain parts of our farming community, but I am also reminded of the comments the Hon. Caroline Schaefer made some years ago when the Eyre Peninsula was going through some pretty tough times and droughts and of course the Olympic Dam mine had opened up at Roxby Downs and there were some part-time jobs. We have to be mindful that sometimes our farming communities can interact with mining and they can be sympathetic to each other rather than in conflict.

I am pleased also that a couple of years ago in Darwin I saw an initiative undertaken by the Northern Territory Seafood Council, which was to have all the local restaurants put on their menus when they were selling imported seafood. We may want to consider at some point in future, rather than just point of sale of identification of country of origin (or, as the Hon. Mark Parnell talks about, state of origin) at a retail level at the supermarket, looking at it from a local promotion or tourism point of view to having displayed on menus when the food is not South Australian.

The final comment I make is that I am pleased the Labor Party and the Hon. Gerry Kandelaars are making some comments supporting this, but I am disappointed that on my understanding we still do not have a representative from the farming community on the Eyre Peninsula Regional Development Board, and that is something that should be addressed. With those few comments, I support the motion.

The Hon. R.L. BROKENSHIRE (20:43): I will be brief, because we have a lot of other business to do tonight and during the early hours of the morning, I understand. I congratulate the Hon. John Dawkins for moving this motion, which is a very important motion, one that Family First strongly supports and one that I personally support. It comes just one year after we celebrated 170 years since my mother's family first came to South Australia farming.

The Hon. D.W. Ridgway: You don't look a day over 56, Brokey!

The Hon. R.L. BROKENSHIRE: No, well, it is the easy life in politics. We have seen the highs and lows of faming: we have seen the family go broke, make money and I am hoping we will make some money some time in the future—that is what I am promising my son, which is why he is still farming. It is a very important industry. It is an industry I talk about regularly. I am proud and passionate about it.

I cannot spend enough time tonight describing the experience and reward you get when you are involved in agriculture, when you are working with animals, crops and nature. As the Hon. David Ridgway has said, farmers are very focused on the environment. If the environment is not right on our farms, then we suffer financially, with stress and with all the frustrations of things not being the way you would hope they would be with your farm. I will have other occasions this year in which to help celebrate the Australian Year of the Farmer.

I want to finish with a couple of key points. First, this the first year in the history of our nation that we have actually even focused on or acknowledged the Australian Year of the Farmer. Sir, as President, you should be proud of your own achievements. You have done very well. Not many of us will get into your chair; a lot of us would like to, but we will not have that opportunity.

Having said that, sir, you had that opportunity because your ancestors worked hard, developed land, generated economic opportunity and helped to grow agriculture. I am sure you would very much appreciate what your father, grandfather and family have also done for agriculture in this state—and look where you have ended up, sir: at the top of the tree when it comes to the Legislative Council. That all started from an agricultural background.

We do have the full-on deregulators, we have people who are not focused on agriculture enough, but I hope that all that will be debated. Many of us have argued that the future of agriculture is in family farming, not flogging off our land to foreign ownership backed by governments (particularly Communist governments) and also flogging off our water. We have a lot

that we can and will debate, but I am disappointed that the Australian Year of the Farmer had to be an initiative from those in agriculture and not a federal initiative.

Notwithstanding that, I respect and appreciate tonight's bipartisan support through someone I think is an up-and-coming—and very quickly—senior member of this government, that is, the Hon. Gerry Kandelaars. He has commented tonight, on behalf of the government, that the government does support this. Well, if it is going to support it, the first time the government can show that support and put its money where its mouth is, is in May, in the budget.

My first challenge, in the Australian Year of the Farmer 2012, for South Australians in agriculture and for this government is to actually reinstate money and not have further reductions in the budget to PIRSA. That would be a good step forward. That would be a step towards the commitment that was made by the government to lift the focus of agriculture when we came back from the proroguing of the parliament and heard the Governor make his speech on behalf of the government.

The final point I want to make is that when you have international years, when you have an Australian Year of the Farmer, unfortunately most of the time little is achieved: 'warm and fuzzies', a few celebrations. One of the few achievements I can remember with any international year of whatever the subject is at the time was the international year for the disability sector. I think we actually started to refocus and, as a world, come some way towards recognition and delivery of what we should be doing when it comes to the issues around supporting people with a disability. I cannot recall many other international years when we achieved much at all other than 'warm and fuzzies'.

I would like to see this year not be another warm and fuzzy; I would like to see this year be a year when we actually put a proper effort into ensuring that, out of celebrating the Australian Year of the Farmer in 2012, we get outcomes for rural and regional South Australia and Australia for family farmers, for those people who live in the country, and for those people who live in the city; that we look at the incredible opportunities we have if we capitalise on food production for the world into the future. If we come back here next year and see no improvement—with our focus as a government, as a parliament, as a nation, as a state—with agriculture it has all been warm and fuzzy with no delivery. I support the motion and look forward to positive outcomes for farmers in South Australia in particular and, indeed, in Australia.

The Hon. J.S.L. DAWKINS (20:48): In summary, I will be brief. First, I would like to thank the Hon. Gerry Kandelaars, the Hon. Mark Parnell, the Hon. David Ridgway, my leader in this place, and the Hon. Mr Brokenshire for their contributions this evening. I would also like to thank a number of others in the chamber who have indicated their support for the motion, and I particularly note the Hon. Mr Darley, who raised the issue in this chamber last year in question time.

One of the key things in the motion is that the Australian Year of the Farmer is important to acknowledge the contribution that farmers and all others involved in primary production make to both feeding our nation and sustaining Australia's economy. There is an additional point that I would like to focus on that I think has been raised in the last couple of days in this place when we have been talking about conservation and animal welfare.

One of the things that we need to recognise in such a motion is the fact that the great majority of farmers, pastoralists and horticulturalists are excellent conservationists and experts in animal husbandry. I do not think we give those people enough credit, particularly in relation to the land that they farm and in other aspects of the environment, that they lead the way, and I think that that is one of the things that the Year of the Farmer can also focus on.

The Hon. Mr Parnell talked quite a bit about the labelling of food products in his speech; that is obviously a passion of his, and it is one that is close to a lot of us who have been in farming industries. I would like to highlight the terrific work that is being done by Grow SA, an organisation which has emanated out of the Virginia Horticulture Centre.

They have done terrific work not only in the Virginia region, but in the South-East of the state and the Riverland, to give local South Australian produce that particular focus and that label which is becoming very well renowned around not only South Australia but across the border. So, well done to the Virginia Horticulture Centre for that initiative.

One of the focuses of this Australian Year of the Farmer is to promote the career options and opportunities for young people and also people who are perhaps looking for a change in their life and to move away from the city. Those career options and opportunities are not only in

agriculture, but also in associated industries. I think of sectors such as farm machinery dealers, stock agents, shearers and many others.

I think all of those vocations need to highlight the fact that there are great opportunities in those industries, and I hope that the Australian Year of the Farmer can achieve that aim in getting that message out, not only to those who believe in and are involved in agriculture but, more importantly, as others have said, to those who have a background in urban life and industry.

Sir, earlier this year I asked a question of the Minister for Agriculture, Food and Fisheries in relation to the amount of financial and in-kind support that has been provided to the Australian Year of the Farmer Ltd by the state government. I have not received those figures as yet, and I would be very interested to get them. I have written to the minister asking that she provide them to me.

In conclusion, can I commend the Chairman of the Australian Year of the Farmer Ltd, Mr Philip Bruem AM, and Managing Director, Mr Geoff Bell, for coming up with the idea of the Australian Year of the Farmer, and for not only encapsulating that thought but also doing the hard work lobbying businesses and governments around the country and getting so many people enthused about the fact the fact that this is a very worthy cause. To those two gentlemen, and to the many people around the nation who are supporting them, I give my congratulations. In closing, I once again thank the Legislative Council for its support of this motion, and I commend it to the chamber.

Motion carried.

MARRIAGE EQUALITY BILL

Second reading.

The Hon. T.A. FRANKS (20:55): I move:

That this bill be now read a second time.

I rise today to put before this place a re-introduction of a bill for marriage equality for South Australians. I first gave notice of this bill in November 2010 and then introduced it, co-sponsored at that stage with the Hon. Ian Hunter, in February 2011. I am pleased to say that much has changed since that time, although not enough, for me to be re-introducing it here today.

As members are aware, the Marriage Act is a federal act in Australia, and it is not typical that we discuss matters related to marriage in this place in terms of legislation and rights afforded to our citizens in regard to marriage. That is because, in the 1960s, we saw the marriage acts around the country harmonised. Certainly, I draw members' attention to my previous second reading explanation on this and also to the words of Professor George Williams, who is a constitutional law expert from the University of New South Wales (UNSW). He notes:

Every federal power in section 51 of the constitution is held concurrently with the States. Just as the Commonwealth can legislate for marriage so can the states.

That power to legislate for marriage that is shared concurrently by the commonwealth and state governments is actually opened up to us here in South Australia by the very fact that the previous prime minister, John Howard, specifically pushed for legislation to ban same-sex marriage. In fact, by doing so, he opened the way for any state to take up the power to legislate for marriage equality. It is quite ironic, should any state end up actually moving forward with that.

Of course, to refresh members' memories, it was only some few years ago that we did see specific moves at that federal level, led by the then prime minister John Howard, to outlaw marriage equality. Since that time we have seen community campaigns and certainly members of parliament speaking up against what is indeed a violation of human rights and a perpetuation of discrimination against gay and lesbian Australians.

One such family who is discriminated against is that of Mabel. Mabel wrote a letter to the Prime Minister. Mabel is six. I came across this letter online, and it reads:

To Prime Minister,

My name is Mabel. I am 6. I am in prep. I have a little sister and 2 mums.

My favrit fings—

and 'favourite' is misspelt, and I will provide the misspellings for *Hansard* for the record—

are spiders and icy poles and witches and...can you change the law so my mums can marry, because I fink if we all treet each other the same way it is fair.

Thank you. I love you.

Love Mabel.

This is a letter that Mabel wrote to Prime Minister Gillard last year. Mabel is indeed a real six year old. I contacted Mabel's parents, Anna and Sacha, who gave me permission to read out this letter. Mabel and her little sister, Juno, would in fact dearly love for their mums, Anna and Sacha, to be able to marry.

I am proud to be a Greens member of parliament because it has been the Greens that have led the way on marriage equality, but I do acknowledge that many, many other members of parliament, and increasingly large numbers of members of parliament, have in fact supported marriage equality. I am heartened by the fact that our current Premier, Jay Weatherill, is publicly on record as supporting marriage equality.

I am heartened by the support given by the Liberal Leader of the Opposition in this state, Isobel Redmond; the words of Mike Rann in one of his last public speaking engagements (a former premier of this state); Senator Simon Birmingham, a Liberal senator; federal finance minister Penny Wong; federal minister Mark Butler; former Liberal senator and minister Amanda Vanstone; federal minister Kate Ellis; and others who are leaders in the community such as Aussie rock legend, Jimmy Barnes and his son, David Campbell, who is a musician and TV presenter; as well as those from the religious field such as Reverend Ian Hunter from the Semaphore Uniting Church, Rabbi Shoshana Kaminsky from the Progressive Synagogue of South Australia and Reverend Leanne Jenski from the Blackwood Uniting Church in Adelaide.

The Greens are certainly not alone in supporting marriage equality. In fact, two-thirds (and rising) of Australians support marriage equality. I would also draw the attention of members in the chamber to the fact that South Australia leads the way in support for marriage equality, with 67 per cent support according to the latest Galaxy poll February 2012. There was 67 per cent support and only 26 per cent opposing. This figure has been rising steadily and, in South Australia, it outstrips the national figures. We should certainly not shirk away from this debate feeling that our constituents do not support marriage equality.

Last week in this place I held a forum attended by the convenor of Australian Marriage Equality, Alex Greenwich, where he presented some findings from the Williams Institute and in particular a study by economist Professor Lee Badgett, that if a state like South Australia were to become the first state to allow same-sex marriage or marriage equality, it would benefit by at least $96 million over the first three years, with most of that money going to small businesses and catering to the wedding market.

That figure rises to as much as $170 million in that time, depending on what factors are put in but it only applies to the actual catering and functions of the wedding itself; it does not even take into account the boost to tourism, the honeymoon and the other associated factors that go with the wedding industry. It is based on similar experiences overseas and it predicts that any state that was to go first in Australia would, in fact, benefit from such an economic boon. Certainly it is at least three times as much as we see from Clipsal each year, which I think is nothing to be sneezed at.

It would also boost our state's reputation. We were, in fact, the first state to decriminalise homosexuality and we now have the opportunity to be the first state to legalise marriage equality. It would boost our reputation as a state that truly values, recognises and respects the contribution of all of our citizens regardless of their sexual attraction. It would also boost the mental health outcomes of our citizens. There has been extensive evidence on marriage and mental health according to the Australian Psychological Society as well as the American Psychological Association which has concluded that legislating for same-sex marriage improves mental health outcomes for same-sex attracted people.

Legislation that validates and values same-sex relationships would, indeed, have meaningful impact on the incidence of anxiety disorders, depression and substance abuse amongst many in our community. Having said that, we are, of course, in a position where we do not have marriage equality, either in South Australia or in Australia, but we certainly do have an opportunity before us. We have come a long way since I first introduced this bill and we have come a long way in the last decade.

I pay tribute to 2010 as the year where a concerted campaign for marriage equality took off in this country, reflecting moves across the world. I will not repeat all of the countries and states

that, in fact, have moved forward but I will draw the attention of members to one particular South Australian situation. Forty years ago in this state a professor from Adelaide University was callously and brutally murdered for the simple fact of being born. Although he was by then 41 years old, Dr George Duncan had committed the unforgivable crime of being born a homosexual; and, so, having been born a homosexual, on 10 May 1972 Dr George Duncan and his companion were ambushed and thrown into the river that wends its way through our city. Duncan's companion escaped, but the Adelaide University professor was not so lucky.

After having suffered tuberculosis, Duncan had only one lung. The river proved too much for him and he drowned. His murderers, who were later revealed to be vice squad police officers who had made a habit of harassing and attacking homosexuals on the notorious River Torrens beat, escaped prosecution. They have never been brought to justice for Duncan's murder. We know their names, we suspect there is evidence of a cover-up and we are pretty sure they got away with it. For those born after 1975 (which does not include me), and certainly many of us born before then, it is difficult to comprehend that homosexuality used to be illegal—not just frowned upon or discriminated against or laughed about, but punishable with up to 10 years gaol.

An act between two consenting adults was considered such a threat to our strong, upstanding morals that we were prepared to gaol innocent people simply because—to borrow one of the bigoted phrases from the time—they happened to like Arthur more than Martha. The murder of Dr George Duncan changed all this. Beginning with decriminalisation and ending with its full legalisation in 1975, South Australia became the first state to legally recognise homosexuality as a legitimate expression of sexuality; and all it took—I say, sarcastically—was the brutal, callous murder of an innocent man and three years of political fighting.

Of course it was a huge victory and we deserve to feel proud as South Australians because of it but we turned on our back on social change. We thought it enough that we had achieved that; that we could rest on our laurels, dust our hands off and claim we delivered equality. We forgot that if you take your eye off the ball you should not be surprised to look up and find it is being played by your opponent. To paraphrase the Laramie Project (a theatre project developed in response to the murder of Matthew Shepard in 1998 in Wyoming), we have achieved change, but we are a long way from progress.

After those heady days of social reform under premier Don Dunstan, what has South Australia or indeed Australia really done other than cast a hand across the superficial veneer of equality and declare our job to be over? In 2006, 31 years after South Australia legalised homosexuality, the Howard government amended the Marriage Act to declare marriage legal between only a man and woman to the exclusion of all others. He is on record as saying that he would not give the same credence to homosexual liaisons as he would heterosexual marriage.

His government intervened to overturn same sex union legislation in the ACT. Many of us were outraged at this government interference. We were outraged that the federal government had not just failed to instil equal rights for gay Australians but had actively sought to deny these to them. Together we stood against the government and expressed our discord, but here in South Australia we are no better. After being the first state to legalise homosexuality, we became the last state to grant full legal rights to same-sex couples in 2006.

We are currently the only state in Australia that does not allow lesbians and single mothers to access IVF (although I think the bill from the Hon. Ian Hunter will have something to say about that), with the proviso 'unless they are medically infertile'. It does not recognise lesbian co-parenting mothers, of course. Unless we remain not just vigilant but active in agitating for change, almost certainly our state will not be the first to legalise marriage equality.

Despite consistent polls showing that two-thirds of Australians (and rising) support same-sex marriage, we politicians seem to scuttle from the issue like rats from a sinking ship. In fact, I am sure that many in the federal parliament simply would like it to disappear. It will not disappear. Unfortunately for these governments and our government, those activists decades ago began a movement that is not going anywhere. We stand here today continuing the work that they started. There may have been delayed action, we may even fool ourselves for a brief moment that we have done all that needs to be done, but we know that change will only come if we demand it, and demand it the community will.

In 1972 Dr George Duncan was murdered because of society's intolerance, bigotry and hatred. He was thrown into a river and left to drown, and after his body was retrieved he suffered the further indignity of being thrown back in so that a TV news camera could record the rescue. His

murder was the catalyst for gay social reform in our state of South Australia. This government and those before it have repaid him and countless others who have suffered trying to deliver change by giving gay people crumbs from the table and telling them that they should be grateful. There is no doubt that society's attitudes have changed and vastly outstripped those of politicians.

South Australians support the legalisation of equal marriage. Despite doomsday predictions from conservative organisations, we know that the sky does not fall on our head if we allow marriage equality. In fact, we will not be delivered into hell in a hand basket if we allow gay people to marry. Their children will not end up in the gutter, crippled by a life of addiction and sexual confusion. All that will happen, if we allow gay people to marry, is that gay people will be allowed to marry.

We talk about needing change. As politicians, we talk about delivering change, and we often congratulate ourselves for the meagre things that have happened. But this is 2012, and gay people in this country are still denied the right to stand before each other to exchange vows before their friends and their family and to pledge their love to one another and to have that recognised legally and morally before our society and their God, if they wish and if that particular religion wishes.

It is such a simple thing. It is nothing more than a celebration of love and commitment, yet we politicians, in general, seem to tell them that society is not ready for that yet. Well, I am not prepared to tell Mabel or Juno or Anna or Sascha, or my children, that we are not ready. Change is not enough. What we need now is progress. What Hannah and her little sister Juno need is progress for their mums, and what South Australian politicians can and must do, if the federal parliament will not, is deliver real progress. I commend the bill to the council.

Debate adjourned on motion of Hon. Carmel Zollo.

STATUTES AMENDMENT (SHOP TRADING AND HOLIDAYS) BILL

In committee (resumed on motion).

Clause 1.

The ACTING CHAIR (Hon. J.S.L. Dawkins): Members, I understand that the minister has some answers to questions that he wishes to bring to the attention of the committee. The minister.

The Hon. R.P. WORTLEY: Thank you, Mr Acting Chair. Treasury has modelled the total additional costs of the part-day public holidays for public sector wage costs and assistance to state government-funded, non-government organisations at a total cost of $4.65 million. To clarify this, the figure covers all extra wage costs of the public sector workers who would be working at this time, such as nurses, police, emergency workers and the like.

This sum also includes assistance to state-funded NGO services which have employees providing services at the times of these part-day holidays, which covers Families SA, Disability Services, Office for the Ageing, Housing SA and the Mental Health Unit. Based on the Treasury advice, these estimates allow for any related on-costs.

Members will note that this figure is less than the initial $5 million figure quoted, despite including the extra commitment to state-funded NGOs. The government will allow for these costs in forward budget measures. It is a good figure. I thank the Hon. John Darley and the Hon. Ms Kelly Vincent for their efforts. They were prepared to sit with the government, express their concerns and reach an acceptable outcome for these negotiations.

The Hon. R.I. LUCAS: We thank the minister for that. It took us two hours this morning with the minister saying that he would not and that it was $5 million. I think that shows the value of the Legislative Council being persistent in terms of seeking information which is reasonable; that is, this chamber is being asked to vote on a new deal, not the $5 million deal that was being discussed in the House of Assembly. The position the Hon. Mr Brokenshire, myself and others were putting was that it is a reasonable proposition that this chamber should be informed as to what Treasury's position is in relation to the estimated cost of this deal, and the minister has relayed the information from Treasury to indicate that it is an additional cost of $4.65 million per year, which is $350,000 less than the original additional estimated cost.

I think, as we teased out this morning, the minister indicated that clearly there is a saving, given that the deal is for two hours less, but there are the additional costs of the commitment the minister and the Premier have given on behalf of the government that all state government funded

NGOs which provide disability and other community services will receive additional compensation or funding for those that are operating during the particular hours that we are talking about.

I am sure all members will highlight to their constituents and organisations that they are familiar with, such as the ones that we raised earlier today (the Hon. Michelle Lensink mentioned women's shelters, youth shelters, men's shelters and a variety of other organisations that provide community services around the clock), that there may well be increased costs for those services during the particular period. So I thank the minister for that.

I am sure that if the minister is prepared to provide answers like that without having to wait for two hours (it is like extracting teeth), this committee stage can progress much more quickly from our viewpoint. We are not interested in delaying the proceedings of the committee without good cause or reason. All we are seeking to have put on the record are the facts in relation to the deal and answers to various questions that have been raised with us by concerned stakeholders and others.

One of the questions which I put to the minister during the second reading contribution yesterday and which he has not yet addressed was in relation to the rostering arrangements of the key professional groups that the government has talked about within the public sector—I say, advisedly, police, nurses, salaried medical officers, fireys, ambulance officers, etc. I put a specific question to the minister and I wonder whether he has now received advice: he has had almost 24 hours since my contribution.

My question is this. Under the current enterprise bargaining arrangements for police officers, for example, because of their peculiarities in relation to their shift arrangements (the Hon. Mr Brokenshire referred to this) which go overnight on New Year's Eve, there are unusual provisions within their enterprise agreement which have been there for many years.

My question in relation to the police is, first: for those police officers who are rostered on duty on New Year's Eve or Christmas Eve commencing their shift at 2 o'clock and concluding a shift at 10 o'clock, in the normal circumstances under this proposed deal, is it the case that the first five hours of their shift will be during what I would term ordinary hours and the remaining three hours of their shift will be during the 250 per cent penalty rate provisions of the part-time public holiday?

In relation to the police officers enterprise bargaining arrangement, will those police officers only be paid the penalty rate for the three hours from between 7 o'clock and 10 o'clock? Can the minister assure the committee that police officers, in terms of their current EBA, will not be paid penalty rates for the first five hours of that shift from 2 o'clock to 7 o'clock?

The Hon. R.P. WORTLEY: Between 2pm and 7pm, ordinary rates plus afternoon shift allowance of 15 per cent; 7pm till 10pm on a public holiday period, if Christmas Eve and New Year's Eve are part public holidays, the public holiday not being a Sunday, ordinary rates plus 150 per cent in lieu of any other penalty rates payable; and public holiday, not being a Sunday to areas where there are flexible shift allowances, ordinary rates plus 18.5 per cent plus 150 per cent.

The Hon. R.I. LUCAS: We are moving swimmingly, thank you very much for that. The minister would appear to have (perhaps) advice relating to the other three categories; that is, nurses, fire officers and salaried medical officers. If he does, is he prepared to put that information on the record in relation to exactly the same question?

The Hon. R.P. WORTLEY: Medical practitioner group employees: from 2pm till 7pm medical practitioner employees will be paid a shift penalty of 15 per cent for their hourly rate if they commence work on or after midday, or a shift penalty of 15 per cent for weekend work. From 7pm till 10pm, public holiday periods, if Christmas Eve and New Year's Eve are declared part public holidays, medical practitioner group employees rostered to work on a public holiday will be paid an additional 150 per cent shift penalty for their hourly rate. Where a public holiday falls between Monday and Friday and the medical practitioner does not work because it is a rostered day off the employee will be entitled to have one day of annual leave for each public holiday.

Nurses: 2pm till 7pm, Monday to Friday, ordinary rates plus 12.5 per cent in addition to the ordinary hourly rate; Saturday, ordinary rates plus 15 per cent; Sunday, ordinary rates plus 75 per cent; 7pm till 10pm on a public holiday period, if Christmas Eve and New Year's Eve are declared part public holidays, employees, other than casual employees or an employee with no fixed hours, on a public holiday must be paid at the rate of 250 per cent. For casuals, ordinary

hours on a public holiday must be paid at the rate of 170 per cent, inclusive of 20 per cent casual loading.

Firefighters: shift penalties. Employees are paid at a composite rate of 31.83 per cent in lieu of shift allowances, weekend and public holiday penalty rates. Time off in lieu may be available for overtime worked.

The Hon. R.I. LUCAS: Can I just clarify with the fire officers: for all the other occupations the minister seemed to indicate that between 7pm and 10pm the officers would be paid, in essence, the 250 per cent penalty rate for that three hour period. In relation to fire officers, was the minister's answer that they would not be paid the 250 per cent?

The Hon. R.P. WORTLEY: Apparently, the firefighters have a special enterprise agreement, they have a an hourly rate and all of those shift allowances are put into the hourly rate, and they get—

The Hon. R.I. LUCAS: They get time off in lieu is what you are saying?

The Hon. R.P. WORTLEY: Time off in lieu may be available for overtime worked.

The Hon. R.I. LUCAS: Can I clarify that for overtime work? Let us assume this is just a normal shift, not overtime work, is the minister indicating that they would not be getting time off in lieu in relation to working between 7 o'clock and 10 o'clock on that particular night in the example I have given, they would just be getting whatever that percentage penalty written into their overall rate would be, but they would not get time off in lieu for working a normal shift during that particular period? That was the example I gave, and not an example in relation to overtime.

The Hon. R.P. WORTLEY: The employees are paid a composite rate of 31.83 per cent in lieu of shift allowances, weekend and public holiday penalty rates. Time off in lieu provisions do provide for time off in lieu and may be available for overtime worked.

The Hon. R.I. LUCAS: Only for overtime?

The Hon. R.P. WORTLEY: Overtime.

The Hon. R.L. BROKENSHIRE: Whilst I also appreciate the fact that the minister has brought some clarity to the issues around costings, the minister has not advised the committee about whether or not the government this year and into the forward estimates has also factored in, within that amount of money, the on-costs, that is, superannuation, other leave entitlements, payroll tax, and the list goes on. Can the minister advise the committee what he actually found out with respect to the request that I put to him earlier in this debate?

The Hon. R.P. WORTLEY: Members will also note that this figure is less than the initial $5 million figure quoted, despite including the extra commitment to state funded NGOs. Based on Treasury advice, these estimates allow for any related on-costs. The government will allow for these costs in the forward budget measures.

The Hon. R.L. BROKENSHIRE: I have tried to pursue an answer to this in this chamber and also in media discussions on this proposal. No-one has been able to explain it to me yet, and I trust that this minister will. My question is a simple question. We have been told that there is an interlocking between the issue and debate on deregulating and ensuring vibrancy in the CBD and its precinct and the fact that retail sector workers must have two half public holidays to ensure that they get some financial benefit, notwithstanding that most of the people who I have had contact with in the retail sector do not want to work on Christmas Eve and New Year's Eve, and I would also suggest Maundy Thursday or Good Friday even.

Can the minister articulate for once on behalf of his government why we have to have this interlocking? Why is it that we cannot break up the debate, and why it is it that legislation was not put forward simply on deregulating vibrancy opportunities for the CBD? Can the minister explain why it has to be interlocked?

The Hon. R.P. WORTLEY: The Hon. Robert Brokenshire has asked the question about why the bill is a package. The bill is an essential part of the package, a reform package to revitalise Adelaide while maintaining the values that are most important to South Australians. This bill does this in a very basic way. It deregulates shop trading hours in the CBD, the tourist precinct, on most public holidays, and it provides workers with protections and entitlements when requested to work after 5pm on Christmas Eve and New Year's Eve. It reduces red tape.

By declaring this a public holiday, it falls under the national employment standards. That then allows employees to reasonably refuse to work on that day—and that is the important element—and it also allows for those people who do decide to work on those two part public holidays to be paid appropriately in the form of public holiday rates.

The Hon. R.L. BROKENSHIRE: I am still confused. I am a simple country boy, and I guess I do not understand some of these complexities, but I cannot understand the interlocking. Can you explain this to me? If, indeed, you talk about equity, fairness and the importance of award payments and penalties for half public holidays and the like, why did the government not look at what I think is a real impost on the retail sector; that is, for many of them the one opportunity they have for some family time in the retail sector is the four-day Easter period? Yet, whilst you have been so full on about Christmas Eve and New Year's Eve, you have not gone anywhere near the other major imposts to people working in retail, and that is Good Friday eve. Can you explain the rationale of that to this committee?

The Hon. R.P. WORTLEY: I think there are only two eves of special importance in this debate. You do not have the Good Friday eve. I have never heard anyone say, 'I cannot wait for Good Friday eve.' I have never heard anyone say 'I have got Australia Day eve.'

The Hon. R.L. Brokenshire interjecting:

The Hon. R.P. WORTLEY: Will you allow me to finish without rudely interrupting? We have a Christmas Eve and we have a New Year's Eve. They are special occasions. One is a religious occasion when people are home with their families. People are home on Christmas Eve very often wrapping presents, putting their kids to bed, getting the Christmas tree ready, doing things, singing carols. It is a family occasion and it is one of those special occasions of the year. New Year's Eve is a time when most of us are out celebrating. It is probably the most celebrated time of the year. It is when most of us are out celebrating.

They are the two special eves of the year, and we think it is quite appropriate that when people are required to work or volunteer to work under the National Employment Standards, they will be compensated appropriately with public holiday rates. Also, I will say you are telling us you are confused. Were you offered a briefing? Did you take a briefing?

The Hon. R.L. Brokenshire: Mate, I've had briefings from everyone. I've had 1,500 postcards, 1,100 emails. I've had lots of briefings.

The Hon. R.P. WORTLEY: You never asked; at no time did the honourable member ask for a briefing from SafeWork—

The Hon. R.L. Brokenshire interjecting:

The Hon. R.P. WORTLEY: He should not be confused.

The CHAIR: Order!

The Hon. R.P. WORTLEY: He should be very well in line. I would say that you are not confused; you are just trying to stall the debate.

The Hon. R.L. BROKENSHIRE: I see. Well, I just need one more point on the public record then based on the answer from our illustrious minister. That question is a simple one: is the minister saying on behalf of his government that Good Friday eve is not a special religious eve like Christmas Eve? Is the minister saying that Good Friday is not as relevant as Christmas Day? I want an answer because that is what you have implied.

The Hon. R.P. WORTLEY: We have chosen New Year's Eve and Christmas Eve as the two eves that are particularly special. These are the eves that the government has decided to declare part public holidays. Can you imagine the outcry from the honourable member if we actually did decide to put Good Friday eve? We would not hear the end of it. We are quite relaxed. We are proud of the fact that we are offering working people the right to voluntarily choose to work on Christmas Eve and New Year's Eve. Those who want to be home with their families or out celebrating on New Year's Eve will be given the opportunity to make that decision also.

The Hon. R.I. LUCAS: As tempting as it is to nail the minister on that issue, I will not because I would be just re-entering the second reading debate again and—

The CHAIR: And that would be totally out of order.

The Hon. R.I. LUCAS: —I don't intend to do that. I am seeking answers to questions during the committee stage on behalf of stakeholders and constituents. I raised in the second reading a concern raised by the Printing Industries Association. It crosses over some of the issues in the Minter Ellison advice to which I wish to return.

The letter from Mr Peter Mansfield, General Manager SA/NT—and I think in the second reading I referred to some advice some country news editors on Yorke Peninsula had raised with the member for Goyder about their concerns in relation to it. The minister has not specifically responded to these issues and I would ask him to address them, as I suspect he has got advice on it, and then I want to move on to the Minter Ellison specific issues which still remain unanswered. Mr Mansfield wrote to me and said:

> A number of our member printing businesses have staff who work regular shifts covering the 5pm to midnight hours. If this bill becomes law, it appears that these staff will have the choice as to whether or not they work the critical production shifts on Christmas and New Year's Eve. If they do choose to work, they will be entitled to public holiday penalty rates. In addition, if this bill becomes law, it appears that all other staff, whether they usually work these hours or not, will be entitled to paid time off in lieu for these additional public holidays, consistent with every other public holiday.

In an email exchange with those local editors and others, Mr Mansfield further explained his position. Mr Mansfield, in an email exchange with the Managing Editor of the Yorke Peninsula Country Times, a very prominent regional newspaper, said:

> Our greater concern is not about the loading but that all employees, whether they work at that time or not, will be granted payment in lieu of the two additional declared public holidays. I won't bore you by quoting chapter and verse, but case law precedent has been set from previous test cases for this scenario and the ruling has been that one group of employees cannot be discriminated against in relation to public holidays; therefore, all employees must be paid in lieu regardless of whether they are working at the time or not.
>
> It is a bit like Christmas Day when it falls on a weekend. My contract of employment is from Monday to Friday, so I'm technically not working on the public holiday, but I get paid a 'Mondayised' public holiday day. It's the likelihood of this (unintended) consequence that is our primary concern.

That is from the Printing Industry Association, first in a letter to me, which does not provide the detailed explanation, and then in an email exchange with the Managing Editor of the *Yorke Peninsula Country Times* as to why, based on case law precedent that they are familiar with in their industry, they believe there are these concerns, which are raised in the Minter Ellison advice (and I want to return to that in a moment). Here is an industry stakeholder raising these specific questions.

My question to the minister is: is the minister, based on his SafeWork SA advice (and we have established the fact this morning that the minister did not believe he needed to get crown law advice in relation to this issue), saying to this chamber that the Printing Industry Association General Manager has it wrong in relation to case law precedent in his industry?

The Hon. R.P. WORTLEY: There could be a thousand issues brought up in regard to hypotheticals. There are literally tens of thousands of agreements in this country where individuals on the workplace floor have made arrangements that suit that particular industry. It is almost impossible to be able to sit there and understand every single agreement. We do accept the fact that there is a cost to these part public holidays. We accept that there will be costs, but the honourable member is saying that often they are open to interpretation. Preliminary advice from the industrial relations inspectors is that 'it is not clear that the outcome Mr Lucas refers to is accurate'.

The reality is that there are many industrial agreements that have been negotiated in workplaces that could be from a couple of thousand to three or four employees, and they negotiate various provisions that suit their workplace. Once again I make clear that we are not saying that it will not cost industry—we have said that it will. It will cost the government $4.65 million.

The Hon. R.I. Lucas: It's not costing you—it's costing the taxpayer.

The Hon. R.P. WORTLEY: It's costing the taxpayer $4.65 million. To go through every hypothetical or every example is totally inappropriate. It is all open to interpretation. You will have lawyers who say one thing and we can get lawyers who say another. At the end of the day, there will be a cost; we envisage that this cost will not be significant. We envisage that the general principle of public holidays is that if people do not work and they do not get paid for it. There are tens of thousands of industrial agreements that have been negotiated at the coalface to suit various situations in that industry, and I am sure there will be various costs that will arise.

The CHAIR: Does the Hon. Mr Lucas intend to move his amendment?

The Hon. R.I. LUCAS: No, Mr Chairman, not at this stage. That response from the minister is now stunning for what it reveals. When I raised the issues yesterday in the second reading contribution, we got back this advice from SafeWork SA—and some of us believed that it might have been based after consultation with crown law, and that is when the minister said this morning and then he recanted and said that, no, it was not, it is SafeWork SA's advice in relation to it.

Nevertheless, when you read that advice essentially it says (and I invite members to go back and read the minister's response), 'Don't you worry about that: in essence you've got it wrong, this is a scare campaign,' was the minister's overall response that was being run and 'don't worry about these sort of issues'. I raise again now, as I did in the second reading, the specific example of the printing industry. They specifically say that, based on their advice and case law precedent, all other staff in their industry, whether they usually work these hours or not, will be entitled to paid time off in lieu for these additional public holidays.

So, we are raising here a specific industry that is not hypothetical. This is a real-world example of someone who is having this conversation with their editors and members of the association and their local members and saying, 'Look, the government, the minister and the Premier are all saying this is only about those people who work and they will get paid a penalty rate and whatever else it is. Do not believe this notion that, for people who are not working or usually working, there is going to be these additional costs.'

That was the sort of advice that we were being given and being led to believe in the debates publicly and in the sort of responses that we were getting from the minister to the first round of questions; but now, this specific example of the printing industry says, 'We believe what is being said to us is wrong. We believe that people who do not normally work and are not working on these particular hours will have to be given paid time off in lieu for these additional public holidays.'

He gives this specific example in the printing industry, based on the precedents that they have had established, and what is the response we now get from the minister? 'We have had another discussion about that and it is not entirely clear that the claims being made by the Hon. Mr Lucas are accurate.' That is the response we are now getting from the minister. 'It is not entirely clear that the claims being made by the member are accurate.' That is the best we are getting from the minister.

Previously, it was, 'No, we have handled these public holidays for years and years. It will just be done in the normal way,' in relation to public holidays. Now, after we persist with questioning the minister, the best we get is, 'It is not entirely clear that the claims being made are correct.' Then he goes on to say, 'These things will have to be established by courts or tribunals,' or whatever else it might happen to be, ultimately, as to whether or not there is going to be an additional cost.

That is the situation this debate has descended to in terms of the quality of the government's defence. They try to dismiss it as hypotheticals. These are not hypotheticals: these are decisions we are being asked to make, which will impact on the ability of small businesses to run themselves and the costs that are going to be imposed upon them as they run themselves, as a result of this legislation.

The minister says, 'There is going to be an additional cost for us the government.' As I said by way of interjection, you the government are not paying for it. It is the taxpayers and the working families of South Australia who have got to put their hands in their pockets for another $4.65 million every year to pay for this particular deal with the shoppies union. So, do not tell us that, 'We the government are incurring these additional costs.' The taxpayers of South Australia and the working families of South Australia are already $400 million in deficit. They are being asked to pay another $4.65 million in relation to this issue.

So the minister then says, 'This is all hypothetical.' This is not hypothetical. These businesses potentially are going to be incurring these costs. We are being led to believe publicly and then earlier today, 'Don't worry about it. We have had years of experience in managing these public holidays and they will be interpreted in the normal way,' when the first questions were being raised about whether it is possible that, because of enterprise bargaining, national employment standards and the modern awards, we might actually have a mess which is developing as a result of this particular deal, which will mean that small businesses will have to pay for some employees who do not usually work on those hours for these new part-time public holidays, who do not

actually work for those part-time public holidays, but, because of this deal, the small business owner will actually have to pay additional costs to those employees.

They are not working. They do not normally work, but they are going to have to be given time off in lieu as a result of this particular deal. Ain't that a great deal? The government and the minister never thought about it. It is only as a result of the business coalition taking the legal advice from Minters and raising the issues in the latter weeks of the debate on this particular issue, and then industries like the Printing Industry Association directly lobbying members of parliament and the Assembly and here that, all of a sudden—

The CHAIR: The Hon. Mr Lucas, do you have a question to the minister?

The Hon. R.I. LUCAS: No, I don't, Mr Chair.

The CHAIR: Right, I'll have to sit you down soon.

The Hon. R.I. LUCAS: No, you don't sit me down, Mr Chair.

The CHAIR: Yes, I can.

The Hon. R.I. LUCAS: You can't sit me down, Mr Chair.

The CHAIR: Under standing order 367, I think I can.

The Hon. R.I. LUCAS: Mr Chair, I am entitled to put a point of view on this issue.

The CHAIR: You are getting repetitive.

The Hon. R.I. LUCAS: I am not being repetitive.

The CHAIR: Yes you are.

The Hon. R.I. LUCAS: No, Mr Chair.

The CHAIR: You have said it all before.

The Hon. R.I. LUCAS: No, I haven't said it all before.

The CHAIR: If you don't get on—

The Hon. R.I. LUCAS: If you want to try to gag debate do so, Mr Chairman.

The CHAIR: I could gag debate.

The Hon. R.I. LUCAS: If you want to gag debate on—

The CHAIR: Just get on with it and ask the minister a question.

The Hon. R.I. LUCAS: I don't have to ask the minister a question.

The CHAIR: You are pandering to the audience.

The Hon. R.I. LUCAS: Mr Chairman, the standing orders don't require me to ask a question. I can make a point, I can ask questions, I can move amendments.

The CHAIR: You make the same point over and over again.

The Hon. R.I. LUCAS: If you want to gag me, you try to gag me.

The CHAIR: I'll gag you.

The Hon. R.I. LUCAS: Well you go ahead; it's your prerogative. The point we are making is that we have been misled in relation to this particular issue. It is not a hypothetical issue. Following on from the Printing Industries Association's—

The Hon. G.A. KANDELAARS: Mr Chairman, under standing order No. 371, I move:

That the question be now put.

The CHAIR: You might want to call a point of order, or make the move, after the member ceases to speak.

The Hon. R.I. LUCAS: Mr Chairman—

The CHAIR: That's all right; he has indicated what he wants to do.

The Hon. R.I. LUCAS: The naivety and inexperience of new members is delicious to behold. He is very keen to put himself up into the limelight but doesn't understand what he is doing.

Members interjecting:

The CHAIR: Order!

The Hon. R.I. LUCAS: Mr Chairman, if we get to a position where a member prevents another member from moving an amendment, then we are on very sticky and thorny ground.

The CHAIR: You have had plenty of opportunities to move your amendment. I have asked you on three occasions to move your amendment.

The Hon. R.I. LUCAS: Mr Chairman, I have questions and points that I want to raise.

The CHAIR: You can still move your amendment and then people have the opportunity to ask you questions about your amendment. If you don't move your amendment and the government does move that clause 1 is put, then I will have to put the question. I am just warning you. Get on with it.

The Hon. R.I. LUCAS: I am warning you and the government—

The CHAIR: It is no good warning the Chairman.

The Hon. R.I. LUCAS: —that if you move down that path—

The CHAIR: The Chair will not take warnings from you, Hon. Mr Lucas.

The Hon. R.I. LUCAS: —it would be the first time ever that that would have been done, where a member would have been prevented from moving a particular amendment, Mr Chairman.

The CHAIR: No, never.

The Hon. R.I. LUCAS: The first time ever that that would have been the case. For example, in relation to the WorkCover debate, we endured eight hour speeches as part of that debate and willingly allowed members to put their point of view. Certainly we have not done that, and do not intend to do that—

The CHAIR: They didn't speak for eight hours in the committee stage of the WorkCover bill.

The Hon. R.I. LUCAS: I think, if you add up the committee stage, it was much longer than the two hours that—

The CHAIR: No; they didn't speak any longer than you have spoken on some of this. They certainly weren't as repetitive as you.

The Hon. R.I. LUCAS: Mr Chairman, I think you should go back and check the record because you will find you are wrong. You can be wrong if you wish—

The CHAIR: You checked the record yesterday when you were challenged and you found you were wrong. I don't know whether I was—

The Hon. R.I. LUCAS: Not yesterday, Mr Chairman—

The CHAIR: The day before?

The Hon. R.I. LUCAS: That was today. You have lost track of time.

The CHAIR: I have.

The Hon. R.I. LUCAS: Exactly. You are 24 hours out of sync, but that is your problem not mine.

The CHAIR: You are your problem.

The Hon. R.I. LUCAS: As I said, in relation to this particular issue that the Printing Industries Association raised, it crosses over the advice from Minter Ellison. I particularly put the point to the minister that under National Employment Standard 89—Employee not taken to be on paid annual leave at certain times, it says:

> If the period during which an employee takes paid annual leave includes a day or part-day that is a public holiday in the place where the employee is based for work purposes, the employee is taken not to be on paid annual leave on that public holiday.

The advice goes on—I will not repeat it, as I put it in the second reading—and lists the four public holidays. This is for someone who had taken leave from the day before Christmas through to 31 December inclusive. So there will be four public holidays or part-public holidays during that particular period. It then highlights that the explanatory memorandum of the Fair Work Bill 2008 provides, under clause 89, that an employee will not be taken to be on paid annual leave during a day or part day that is a public holiday which falls during the period of their absence from work on annual leave. Then it concludes:

> Accordingly, it is possible that claims for additional payment or recrediting of annual leave may be made by any employee who has been required to take annual leave over the Christmas shut down period regardless of when the employee usually works ordinary hours.

My question to the minister again is: is it the minister's advice that that particular claim by Minter Ellison is wrong and that employees in that circumstance will not have to make additional payments or re-credit annual leave in the circumstances that I outlined in the second reading and briefly again this evening?

The Hon. R.P. WORTLEY: My advice is that if the person would not normally work the hours between 7pm and midnight, they would not get paid. I will just make this comment—

The Hon. R.I. LUCAS: Could you say that again? Sorry, I could not hear you.

The Hon. R.P. WORTLEY: Would not be credited with annual leave.

The Hon. R.I. LUCAS: So you are saying that I am wrong.

The Hon. R.P. WORTLEY: Yes, that is what I am saying from the advice I have. A lot of it is open to interpretation. SafeWork SA's industrial relations inspectors are industrial relations specialists who are dual badged under both the commonwealth Fair Work Act 2009 and the state Fair Work Act 1994. Between them, they have a vast experience of interpreting awards and agreements in both the public and private sectors.

Other functions include: providing advice on industrial entitlements and responsibilities; conducting complex wage and penalty rate calculations; providing assistance in resolving workplace complaints about industrial relations matters; investigating alleged contraventions of modern awards and agreements which may often lead to prosecutions; conducting targeted industrial relations educational campaigns; and compliance audits.

Inspectors are regularly called upon to interpret and evaluate situations where a worker is covered by multiple awards and/or agreements and is entitled to varying penalty rates depending on whether they are full-time, part-time or casual, or whether they are shift workers or on an annual salary. They are the experts. When you have an industrial agreement which has been negotiated in the workplace, very often you need to have an interpretation made. Obviously, Minter Ellison has given one interpretation. If the people involved ring SafeWork SA, it would give its interpretation.

We could go through this a thousand times but, at the end of the day, some of these issues will be open to interpretation and may end up in the Industrial Court or Commission to get a final decision. The government recognises that there will be a cost to industry, but we believe that the historic and substantial reform to shop trading hours will allow people to be able to reasonably refuse to work on Christmas Eve or New Year's Eve. If people choose to work, they will be paid the appropriate penalty rates for public holidays. We think it is a reasonable expense.

The Hon. G.A. KANDELAARS: Point of order, Mr Chair. Under standing order 371, I move:

> That the question be now put.

The committee divided on the motion:

AYES (9)

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

NOES (9)

Brokenshire, R.L.	Dawkins, J.S.L.	Hood, D.G.E.

NOES (9)

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

PAIRS (2)

Gago, G.E.	Bressington, A.

The CHAIR: There being nine ayes and nine noes, I therefore cast my vote with the ayes, and it passes in the affirmative.

Motion thus carried; clause passed.

Clause 2.

The Hon. R.I. LUCAS: In relation to clause 2, in the second reading I raised the advice in relation to employees on rostered days off and I found (without going through all the section of the advice again) that it said:

> With the definition of an RDO as being a 24-hour period there is a risk that full-time employees who have an RDO rostered on 24 December or 31 December and who do not normally work after 5pm will receive both the RDO as a paid day off in addition to an extra day's pay, an alternative day off or a day of annual leave.

Again, without repeating the explanation I gave in the second reading, that was based on an interpretation of the Manufacturing and Associated Industries and Occupations Award 2010 and the Registered and Licensed Clubs Award 2010. Is the minister indicating that his advice is that that advice from Minter Ellison is wrong?

The Hon. R.P. WORTLEY: I have already answered that question. We are on clause 2, commencement date, and I do not believe that this question has any relevance to that clause.

The Hon. R.I. LUCAS: I will raise the questions again in relation to the clauses later on; I am quite happy to do that. In relation to the commencement date, can the minister indicate, should the government succeed in breaking all conventions and precedents, gagging debate and jamming the bill through either tonight or tomorrow, what is the government's intention in terms of the date of proclamation and receiving assent for the bill?

The Hon. R.P. WORTLEY: As soon as possible, and we hope to have it gazetted by Thursday week. So, as soon as possible.

The Hon. R.I. LUCAS: Thursday week is the day before Easter. The reason this bill had to go through, so we were advised, was because the minister was not going to issue proclamations for this coming Easter. Given the minister has just said that this bill will not be proclaimed until the day before Easter, or holy Thursday, is the indicating that there will not be trading this Easter, on Easter Sunday or Easter Monday?

The Hon. R.P. WORTLEY: There are a number of steps that are required before we can actually have it—it has to go down to the lower house. It also has to be assented by the Governor and then be gazetted. Once it passes both houses of parliament we know it will become law, so we can then advise retailers that the law that will be gazetted on Thursday week will allow them to trade over the Easter weekend.

The Hon. R.I. LUCAS: The legal position will be that the law will not be in effect. Is the minister indicating that he is intending to advise retailers prior to proclamation and royal assent—and Executive Council having considered it tomorrow week, Easter Thursday? Is the minister indicating that he is going to go out prior to then and advise CBD retailers what the legal position is, and that is that they can go ahead and open?

The Hon. R.P. WORTLEY: The reality is that, if this bill is passed tonight, we will be able to hopefully streamline the process and get it proclaimed sooner, but—

The Hon. R.I. Lucas: Sooner than what?

The Hon. R.P. WORTLEY: Just sooner. This is your intention. This is your aim. You are trying to frustrate the ability of the Adelaide CBD retailers—

The Hon. J.S.L. DAWKINS: Point of order, Mr Chairman.

The CHAIR: The Hon. Mr Dawkins has a point of order.

The Hon. J.S.L. DAWKINS: The honourable minister has been here far long enough to know—and he was reminded earlier in the day—that he should address you and not other members in this chamber, and he constantly does it.

The CHAIR: The honourable minister should address his remarks through the Chair.

The Hon. R.P. WORTLEY: The intention of the Hon. Mr Lucas is to frustrate Easter shopping. That is his intention. The reality is, if this bill passes this house, goes down to the lower house and is passed through both houses, it will be up to the people of the Adelaide CBD whether they shop on that day or whether they open.

The Hon. R.I. Lucas: No, it won't; it's up to the law.

The Hon. R.P. WORTLEY: They will know that it will become law next Thursday, so they will make the appropriate arrangements.

The Hon. R.I. LUCAS: This clause is a simple one, I would have thought: 'This Act will come into operation on a day to be fixed by proclamation.' I asked the minister when he was going to actually have this proclaimed. His first advice was next Thursday, Easter Thursday, and there are things that have to be done. We highlighted this during the second reading debate and that is the point that I made in relation to this. This debate was a farce. The minister had the power to proclaim, under the existing act, Easter trading. He had the numbers in this chamber either this week or next week to get the bill through, and it was going to be a rush anyway. So, the minister confirms everything that we said in the second reading debate, that is, you cannot do this until Easter Thursday, or maybe even a bit before that if you want to.

However, the retailers in the CBD need to know well prior to that. They have been saying they needed to know two weeks ago. Then they said last week in the *City Messenger*, 'We have to know no later than last Friday, because we have to do rosters, we have to get people who are prepared to volunteer to work, we have to work out our advertising. We have to do everything in relation to Easter Sunday and Easter Monday trading.' You cannot just make a decision next Wednesday or next Thursday in terms of, 'Okay, this is what we're going to do in relation to Easter Sunday and Easter Monday trading.'

For goodness sake, you would hope that the minister would actually understand even that, Mr Chairman. You would hope that he would understand even that, that is if they have the numbers. As I said, they had the power under the existing act to proclaim, but if they are not going to do that and the intention is, as I said, to gag debate, prevent members from moving amendments, stop members from speaking at the second reading, do everything they can to try to get this deal with the shoppies union through tonight or tomorrow, so be it. In the end, if you have the numbers in this chamber, you can do whatever you wish. I am the first to acknowledge that. All I have warned is that what comes around goes around in relation to these issues.

This is a simple issue, clause 2. The first answer is next Thursday and then when he realises the mess he has got himself into, he comes back and says, 'It could be sooner.' Well, when? Exactly when is he talking about now? If it is not going to be next Thursday, when does he believe he will make the decision? Does he still genuinely believe the nonsense he spouted two or three minutes ago that traders can just go ahead and make decisions and make rostering arrangements, etc. on the punt that he the minister and the government will put this through next Thursday, Easter Thursday—that is, operate on the basis of a law that has not been proclaimed and has not gone through the processes it has to go through before it actually becomes the law of the state?

Can he advise the chamber what he is now saying? If it is not next Thursday, when is it that he is going to actually get all of these processes done which have to be done—the Assembly, Executive Council, proclamation, Royal assent (which involves the Governor), Executive Council obviously, which involves some members of cabinet as well as the minister. When will all that be done and it be proclaimed?

The Hon. R.P. WORTLEY: I must say the Hon. Mr Lucas speaks a lot of nonsense, to be honest. If he honestly believes and tells this chamber that the people who want to open over Easter weekend cannot realise the fact that this legislation has passed through both houses of parliament and that it will become law by Easter, I must say he is not living in the real world. This is what is happening. They are on notice, they understand the debate and they understand also that the opposition will try to filibuster on this to make it very difficult for them to trade over the weekend.

I also advise that if we get this through both houses of parliament by tonight or tomorrow morning, we will seek to have the Governor give us assent, and we will seek to have an early *Gazette*. We will do it as soon as possible. I cannot give whether it is going to be Monday morning, Tuesday morning, but I will tell you this, they are waiting for it; they are waiting for this bill to be passed. They are doing their rostering, so don't you worry about that. They are looking after themselves. They definitely know you are not looking after them. That is it.

The CHAIR: The clause is about proclamation.

The Hon. R.I. LUCAS: Exactly, and I am going to address that.

The CHAIR: I think the minister has answered your question.

The Hon. R.I. LUCAS: You might think that. I am going to address it.

The CHAIR: I intend to put the clause very shortly.

The Hon. R.I. LUCAS: You could get someone else to move the question. You could if you liked, Mr Chairman. You did last time.

The CHAIR: Did I really?

The Hon. R.I. LUCAS: Yes, you did.

The CHAIR: Oh, indeed; I am very clever. How did I do that?

The Hon. R.I. LUCAS: Would you like to get Mr Kandelaars back again?

The CHAIR: You go and get him if you like.

The Hon. R.I. LUCAS: No, would you like to?

The CHAIR: Well, you go and get him.

The Hon. R.I. LUCAS: No, I do not want him; he is your man.

The CHAIR: No, I do not want him; you go and get him.

Members interjecting:

The CHAIR: You should not be debating the Chair; get on with it, or I will sit you down.

The Hon. R.I. LUCAS: Would you like to? I will give you time.

The CHAIR: He will come in when he is ready.

The Hon. R.I. LUCAS: Make a telephone call? Whistle?

The CHAIR: Come on, get on with it. You are wasting time. Stop pandering to the audience. They are not impressed; I can see that.

The Hon. R.I. LUCAS: Mr Chairman, my questions are in relation to this particular clause, because they relate to when the day is going to be that this is going to be fixed by proclamation. The minister is now saying that he is going to do this early next week sometime, prior to next Thursday. Does he believe that that is sufficient time for traders in the CBD to be able to make the decisions that they need to in relation to Easter Sunday and Easter Monday? Can he also rule out absolutely that he will not use the proclamation provisions under the existing act for Easter Sunday and Easter Monday trading this year?

The Hon. R.P. WORTLEY: You never rule out anything. I am not going to, for the satisfaction of the Hon. Mr Lucas, give any guarantees. What I can say is that there are a lot of people in the CBD tourist precinct who are looking for this legislation to get through both houses of parliament. They are obviously making the appropriate arrangements so that they can shop over the Easter weekend. The only thing that stands in the way of these people making a lot of money over the weekend, through shopping or not, is the Hon. Mr Lucas.

The Hon. R.I. LUCAS: The hypocrisy of the minister on this issue has just been revealed so starkly. He is now leaving open the option of using the existing provisions of the act to proclaim—

The Hon. R.P. Wortley: I didn't say that.

The Hon. R.I. LUCAS: Yes, you did.

The Hon. R.P. Wortley interjecting:

The Hon. R.I. LUCAS: Yes, he did, Mr Chairman. Don't squeal now; you are squealing like a stuck pig.

The Hon. R.P. Wortley: You're the squealer.

The CHAIR: Order!

The Hon. R.I. LUCAS: The minister is squealing like a stuck pig at the moment. He has just been caught. When I asked him to rule out the use of the proclamation provisions under the existing act it was something which all along during this debate, he has said, 'We won't use this. We won't use this. We won't use this.' We said all along, 'Well, why don't you? You've got the numbers either this week or next week to get the bill through. Why don't you actually use the provisions?' He said, 'No, we can't do that. We're not going to do that. We will not do that.' Now, under clause 2, a simple question: will you rule it out?—and he stands up in this chamber and says, 'No, we will not rule it out.' Of course, he is leaving—

The CHAIR: His answer was that he would not rule out anything. That is what he said.

The Hon. R.I. LUCAS: Mr Chairman, if you—

The CHAIR: It is no good trying to twist the minister's words around.

The Hon. R.I. LUCAS: —want to engage in the debate, resign the chair and sit over there and join in. We would be very happy to accommodate you, Mr Chairman. The minister can make a mess himself; you do not need to try to help him.

An honourable member: He probably does.

The Hon. R.I. LUCAS: Well, you probably do need to help him; that's right. My colleague corrects me and says you probably—

The CHAIR: Order!

The Hon. R.I. LUCAS: —do need to correct him and help him. It is clear now that the minister is leaving open the option of using proclamations under the existing act to get himself out of the mess he has got himself into. The other point in relation to this, the comment the minister made—again, incorrectly (and that does not surprise us)—was that he said that in some way I and the Liberal Party are trying to stop trading on Easter Sunday and Easter Monday.

That statement is untrue. We support additional shopping trading. We support the liberalisation of shopping hours. We support trading in the CBD on Easter Sunday and Easter Monday; that is a proposition that we support. The only bits of the bill that we are opposing are the other bits which we will come to in the other clauses, unless you get another member of the government to gag him before I move the amendments in relation to those positions. The dog whistle must have worked because he has just waddled back into the chamber.

In relation to this issue, the statements the minister just made are wrong. They are factually wrong; they are untrue. We are quite happy to see the trading. We believe there is a way of achieving that whether this bill goes through or whether you use the existing legislation.

Clause passed.

Clause 3.

The Hon. R.I. LUCAS: These are the amendment provisions of the bill. I refer to the Minter Ellison advice in relation to employees on rostered days off. Again, without repeating all that I said in the second reading explanation, when I referred to the two awards—the Manufacturing and Associated Industries and Occupations Award 2010 and the Registered and Licensed Clubs Award 2010—Minter Ellison's final conclusion was:

> With the definition of an RDO as being a 24-hour period, there is a risk that full-time employees who have an RDO rostered on 24 December or 31 December, and who do not normally work after 5 pm, will receive both the RDO as a paid day off in addition to an extra day's pay, alternative day off or day of annual leave.

Is it the minister's advice that that advice from Minter Ellison is wrong?

The Hon. R.P. WORTLEY: I have answered this question on a number of occasions, and I will go through it again. There are literally tens of thousands of industrial agreements throughout the country. These agreements are negotiated at the enterprise level, and they are done normally

to make provisions and the like that will suit the workplace. Many of these agreements are open for interpretation, and this is why the SafeWork SA's industrial branch has literally thousands and thousands of calls a year to interpret the awards. For me to sit here and give any sort of ironclad guarantee of an issue which is probably repeated in many different workplaces is just not feasible. I do not see any point in going on. You will get the same answer. My advice to the particular employers that you are getting advice for is to ring up SafeWork and they will get a good and proper interpretation of their awards.

The Hon. R.I. LUCAS: The advice you gave us was from SafeWork SA. You chose not to go and get legal advice in relation to this. The SafeWork SA advice in summary is, 'Don't worry about it. The public holiday provisions have been interpreted in this particular way for a long time and we don't see that there's a particular issue that you're talking about.' What you are saying to this chamber is that this Minter Ellison advice is wrong, because, if and when we get to the situation where this has to be tested, it is going to be the position of some of those employers to come looking for a head and to say, 'Okay, you did this deal. Why weren't these issues raised and what did the minister say when the questions were put to him?'

Now, if the best you are going to say is, 'This is hypothetical and I refuse to answer it', well then so be it, but the SafeWork SA advice you have given in the second reading would lead everyone to believe, 'Don't worry about it. It's not an issue, and there aren't going to be additional costs that will be incurred.'

The Hon. R.P. WORTLEY: The Minter Ellison advice is not raising any question about the legal validity of the bill. It is raising potential cost issues, and these are potential cost issues which exist already within the context of how awards and agreements deal with full public holidays. The essence of the advice is the suggestion that there may be awards or agreements which contain provisions where the creation of a part-day public holiday will have particular impacts in relation to penalty rates or other public holiday entitlements.

As I have stated earlier, the fundamental industrial principles remain the same whether we are talking about a part public holiday or a full public holiday. Importantly, in this context employers and employees will always retain the option of seeking to vary agreements, and parties to awards will always have the option to vary awards, including provisions dealing with public holidays.

The Hon. R.I. LUCAS: At least, I guess, we goaded the minister into giving the latest bit of advice he got from SafeWork SA on it. It still does not answer the question, and the record will just need to stand as it is. I do not intend to repeat the questions and breach the standing orders by being repetitive. I have put the question. The minister has given marginally more expansive advice from SafeWork SA, but nevertheless it still says nothing and basically says, 'Look, it's going to be determined ultimately by the tribunals and the courts in relation to these issues.'

The minister's position and the government's position is, 'Stuff the small business sector. Stuff the people out there in the real world. Taxpayers are going to pay our increased costs of $4.65 million. We'll just jack up the taxes and take another $4.65 million out. The small businesses in South Australia are going to have to go and fight this in the tribunals and the courts and, if they lose, they'll just have to find the costs to increase it.' It is not the minister's worry; it is not the shoppies union's worry because they are only worried about their members. Stuff the small businesses in South Australia and the people who are trying to make a buck, run a business, employ people, grow jobs and all those sorts of things. That is the government's position.

The Hon. T.J. Stephens: Are we running a deficit?

The Hon. R.I. LUCAS: Well, the Hon. Mr Stephens says, 'Are we running a deficit?' Yes, about $400 million worth of deficits every year. But I will not be diverted, Mr Chairman. The next question relates to employees on annualised salary arrangements advice from Minter Ellison. Again, without repeating the example I gave in the second reading (it did refer to the Hospitality Industry General Award), I referred to clause 27.5, which I will not repeat. Minter's advice and conclusion was:

> In this situation, an eligible employee who was rostered until, say, 6pm—

and that was on the basis of a 5 o'clock start, so it would now be 8pm—

> on a part-day public holiday would receive the entitlement to a whole day off in lieu or a full day of annual leave, usually 7.6 hours. It is not necessary for an employee to work the entire public holiday or part-day public holiday to accrue this entitlement.

Is the minister saying that particular advice from Minter Ellison is wrong?

The Hon. R.P. WORTLEY: This award has a provision which entitles a salaried worker to a day off in lieu, or an additional day of annual leave, if they are required to work on a public holiday. In this industry, it would not be unusual for a salaried worker to start a shift on a Sunday afternoon and work beyond midnight into a Monday public holiday or, as another example, a worker who starts a shift on 25 January and works into the early hours of Australia Day. It seems that the issue with this award is not restricted to part-day public holidays, and it highlights an issue that currently exists within the interpretation of this award.

The Hon. R.I. LUCAS: I think that employers and others will interpret the minister's position in relation to that as they have with his other answers. The next issue Minter Ellison raised by way of a question was employees rostered on shifts commencing late at night. The two awards it refers to there (again, I will not repeat them) were the Clerks Private Sector Award 2010, which obviously would have relatively wide coverage, and the Vehicle Manufacturing Repair Services and Retail Award 2010. This issue did appear to raise two concerns, and I will quote what Minter Ellison has said:

> Firstly, other provisions will mean that employees who start shifts outside the part-day public holiday will receive penalties for all the time worked if the shift continues into a part-day public holiday.

I raise that issue, and I refer back to the earlier questions and answers I got in relation to the public sector EB arrangements in relation to police, salaried medical officers, nurses and fire officers. The minister's answers there were specific, and that is that this problem did not relate to those particular agreements. That is, employees who started the shift (and I gave the example of 2 o'clock) outside the part-day public holiday would receive penalties for all the time worked if the shift continued into the part-time public holiday. So, I gave an example of a 2 o'clock to 10 o'clock shift, and the minister's answer was, 'In relation to police, fire officers, nurses and salaried medical officers, that is not the case.'

In relation to the private sector, what Minter Ellison is saying is that that is the case. That is, there are some awards (and two examples are given, the vehicle manufacturing one and the clerks' award) where you do have these provisions where people who have started a shift working in the non-public holiday bit of Christmas Eve and New Year's Eve but it extends into, say, 10 o'clock at night will have to be paid, I assume, the 250 per cent penalty rate for the whole of the seven or eight hours. That is terrific if you happen to be working the ordinary hours and then going through to 10 o'clock. You will be paid, possibly, the 250 per cent rate even for the time that has been worked in ordinary hours from 2 o'clock. But on the other hand, Minter Ellison's advice also says:

> As stated above, in some cases, employees who work on public holidays usually receive penalty rates for doing so. However, the particular timing of the part-time public holidays will lead to some employees in some industries not receiving penalties for those hours, depending on the start time of their shift.

Minter Ellison is saying that there are some other examples in relation to where the shift starts during the part-time public holiday and moves into another day, where the employee might not get the penalty rate, even for the bit that was in the part-time public holiday. Does the minister have advice in relation to Minter Ellison's concerns here? In particular, I guess I am raising the issue of where a business will have to pay an employee who started work at 2 o'clock the penalty rate from 2 o'clock right through to the end of their shift at 10 o'clock.

The Hon. R.P. WORTLEY: It has been alleged that employees could lose out under the clerks award and the vehicle awards. They both have similar provisions regarding shifts commencing after 10.45pm or 11pm respectively but before midnight on a Sunday or public holiday. When this occurs, the worker gets the relevant rate for the next day and not the Sunday or public holiday rate.

This type of straddling provision is common in many awards and agreements. For these two awards, the reverse also applies in that, if you start a shift late at night prior to a Sunday or public holiday, you get paid the whole shift at the Sunday or public holiday rate. So this provision works both ways and, for most shift workers, it will balance out during the course of the year.

These late night provisions can only apply to the hours of the day that will be regarded as part-day public holidays on Christmas Eve and New Year's Eve, so their application will be no different to all other public holidays. It is also worth noting that a worker who currently starts late at night on Christmas Eve and New Year's Eve will have the majority of their shift paid at the Christmas Day and New Year's Day public holiday rate, anyway, so the part-day public holidays should have no impact whatsoever.

The Hon. R.I. LUCAS: I think the minister has just confirmed the Minter Ellison advice, that is, in relation to some awards in the private sector, and maybe in other parts of the public sector that I have not raised questions about, there will be provisions where workers who are working from 2 o'clock on Christmas Eve will be paid—and the small business will have to pay—the penalty rate for the whole of that shift and then, as he said, there are some losers, if I can put it that way, in relation to some of the award provisions that have been highlighted—the clerks and the vehicle awards that I referred to—where some of the employees in certain circumstances will lose as well.

So, at least I guess there is one aspect of the Minter Ellison advice that the minister has agreed with. It is small comfort, I guess, for the small businesses who potentially have EB award arrangements where they will be confronted with additional costs as a result of this deal that has been done between the government and the shoppies union.

Clause passed.

Clause 4.

The Hon. R.I. LUCAS: My original amendments, as drafted by parliamentary counsel (and I always bow to parliamentary counsel's great wisdom on these things) were to delete the heading and then delete the clause. The brutal reality is that they can be treated together. I have not moved them, but I will address some issues in relation to them. In relation to that, it was going to be the second in a package of amendments that would address the major issue of the bill, at least from our viewpoint.

As I said, and I do not intend to repeat all of the argument from the second reading, the Liberal Party's position, contrary to what the minister has been saying, is that we do support the liberalising of trading hours (generally) and we support the liberalising of trading hours in the CBD as defined by the terraces and the Torrens in the government's bill. So, contrary to what the minister has said, we are not seeking to delay that: we support the opening up of trading.

The bit that we do oppose, as we outlined in the second reading, and have done so publicly, is the linking of that worthwhile decision with the objectionable parts of the bill, which is to actually say, 'We are now going to institute this part of the bill which will cost the taxpayers of South Australia $4.65 million per year', or almost $20 million over the forward estimates period, at a time when (frankly) the state cannot afford it.

We are $300 million to $400 million in deficit every year, we have a debt of $8 billion, heading towards $11 billion, and this minister, this Premier and this government simply say, 'Well, what the heck, if you're going down the tube at $300 million or $400 million a year, what's another $4.65 million?' As the minister was saying earlier, 'Well, it's only $5 million. It's the government's money', which we picked him up on and said it was the taxpayers' money.

The Hon. J.S.L. Dawkins: He would have a different view if it was coming out of his own pocket.

The Hon. R.I. LUCAS: Exactly; if it was coming out of his own pocket then he would have a different view. That is essentially the government's position in relation to the linking of these two particular issues: 'What the heck, going down the tube at $400 million a year, debt of $8 billion, up to $11 billion, what's another $4 million or $5 million a year between friends? And by the way, we'll just ratchet up the taxes.' The land tax bills will go up and everything else in relation to collecting another $5 million or so.

On the other hand, as we have just established through the earlier stages of this committee, who gives a continental about the costs on small business in South Australia? We already have the lowest economic growth in the nation, the lowest employment growth in the nation and retail sales are the worst in the nation. Who gives a stuff about small business and the state economy, as long as we can do the deal with the shoppies union. The shoppies want us to do the deal. We do not give a stuff about the budget. We could not give a continental about small business and the state economy. If small business incur additional costs then so be it, that is their problem, it has nothing to do with us.

Mr Acting Chairman, welcome to the chair. At least you will not be able to move those disgraceful motions that the former chair encouraged you to move earlier—unprecedented, Mr Acting Chair. You go down in Legislative Council infamy and you have only been here for less than a year. So, Mr Acting Chairman, that is the position that the Liberal Party is opposed to. We

have argued the case publicly, we have argued the case in the chamber, and we accept the fact that on the current indications the numbers will not be there in relation to that particular issue.

From my viewpoint, and the Liberal Party's viewpoint, I think the committee stages have been critical in trying to get information in relation to the costs, which the minister would not provide, and information in relation to the legal advice, which the minister would not provide and still has not provided in a number of areas. We see the importance of the committee in getting as many facts on the table as we can on behalf of the stakeholders who are concerned about this particular bill, but we are not going to use the committee stages to re-run the total debate.

I have summarised the Liberal Party's position. We think it is a foolish move and we oppose it strongly. Ultimately, if the government has support from enough Independent and minor party members then so be it; the responsibility will rest on the government and those members when small business raise concerns along the lines they have indicated they will if the bill is implemented. That is a succinct summary of the Liberal Party's trenchant, strident, passionate opposition to this particular provision. I oppose the clause.

The Hon. R.P. WORTLEY: The honourable member seeks to delete changes to the definition of public holiday in the Acts Interpretation Act 1915 in the bill and the definition of part public holidays. Should this clause be negatived, the current definition of public holidays will not change. This will remove references to part-day public holidays and will mean that Christmas Eve and New Year's Eve will not have the same status as other public holidays for statutory purposes.

In effect, deleting this clause would mean that Christmas Eve and New Year's Eve will not be recognised as public holidays for the purposes of the Fair Work Act 2009, which in turn means that employees will be denied their rights under the commonwealth national employment standards to reasonably refuse shifts on part public holidays or receive appropriate public holiday rates of pay for working at these special times of the year.

Low-paid workers have been denied the choice about whether or not they work during these traditional festive periods, and if they do work they have the opportunity to earn additional wages when the rest of the community is celebrating with their friends and families. This bill as it currently stands acknowledges the fact that, while most of us are at home or out enjoying ourselves at the special times of Christmas Eve and New Year's Eve, there are others who are serving us and looking after us, for example, nurses, police and hospitality workers. We support the clause.

The Hon. R.I. LUCAS: There was one remaining issue that I meant to put in my succinct summary. If the government's position was, as they have maintained all along, that they believe in the hardworking people who work on Christmas Eve and New Year's Eve, they have had 10 years in which they could have done it for the public sector workers.

If this was truly an issue of great concern to this Labor government, they had 10 years when they could have done it, particularly at times when we had a much healthier budget position than we do at the moment. The reality is that that is not the reason for this particular change. It is because the shoppies union have told them to do it and they are using this particular reason now, after 10 years, to seek to justify the decision. If it was really the case they could have done much sooner.

The committee divided on the clause:

AYES (9)

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

NOES (8)

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

PAIRS (4)

Gago, G.E.	Lee, J.S.

PAIRS (4)

Vincent, K.L.	Bressington, A.

Majority of 1 for the ayes.

Clause thus passed.

Clause 5.

The Hon. R.I. LUCAS: The opposition, as always, does not seek to unduly delay any debate including the committee stage of this, so the remaining amendments are consequential. I do not propose to move them or to extend the debate in relation to those particular amendments. But in addressing clause 5, as we are, I indicate that I had originally proposed to move to report progress on clause 1 this morning. Your advice, Mr Chairman, which I always give great regard and respect—

The Hon. S.G. Wade: Due consideration.

The Hon. R.I. LUCAS: My colleague suggests I should say 'due regard' and an appropriate level of respect. Your advice, Mr Chairman, was not to move to report progress on clause 1 but to move to report progress before the first of the Hon. Mr Brokenshire's amendments which is clause 6. I thought I would forewarn about this because, as soon as I move to report progress, no-one else can debate it. I am alerting people. Being the very considerate members of the opposition and team players that we are, we are alerting members.

My understanding of the Liberal Party's position is, as I said, that we do not meet as a joint party room until next Monday. To consider the amendments from the Hon. Mr Brokenshire, we would need to consider them in the joint party room on Monday, but my understanding is that is probably not going to be supported.

Members interjecting:

The Hon. R.L. BROKENSHIRE: Point of order, Mr Chairman: it is very difficult to hear the debate with all the cross noise. Could we focus on the debate?

The CHAIR: Certainly.

The Hon. R.I. LUCAS: Mr Chairman, you and the minister were talking too loudly and I could not hear myself think. My understanding is that there will probably not be support for that, and in the end the Liberal Party will just have to work out as best we can a position on the Hon. Mr Brokenshire's amendments. By reporting progress it will at least allow me to consult with my upper house colleagues first thing in the morning and one or two of my lower house colleagues in relation to the Hon. Mr Brokenshire's amendments.

Given the time, we have still only had response from three stakeholders out of the very many to whom we have sent the Hon. Mr Brokenshire's amendments. Clearly, if we have to vote on this even tomorrow we will not be in a position to give proper consideration, but again, if the government has the numbers, the government has the numbers and there is nothing much we can do about that, but I apologise potentially in advance to the Hon. Mr Brokenshire in relation to that particular position.

I indicate that I do not intend to proceed with my amendment on clause 5 because it is consequential. I also advise the committee that I do not intend to proceed with the remaining amendments as they, too, are consequential on the last vote we have just taken, and we accept that as definitive in terms of the committee's position on it, but I propose, after clause 5 passes, to move to report progress.

Clause passed.

The Hon. R.I. LUCAS: I move:

That progress be reported.

The CHAIR: The Hon. Mr Brokenshire's first amendment is actually to insert new clause 6A.

The Hon. R.I. LUCAS: Mr Chairman, I do not think there is any debate when a member moves to report progress, with the greatest respect.

The CHAIR: No, there is not.

The Hon. R.I. LUCAS: So, I have moved to report progress.

The committee divided on the motion:

AYES (9)

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

NOES (8)

Finnigan, B.V.	Franks, T.A.	Gazzola, J.M.
Hunter, I.K.	Kandelaars, G.A.	Parnell, M.
Wortley, R.P. (teller)	Zollo, C.	

PAIRS (4)

Lee, J.S.	Gago, G.E.
Bressington, A.	Vincent, K.L.

Majority of 1 for the ayes.

Motion thus carried.

Progress reported; committee to sit again.

CORRECTIONAL SERVICES (MISCELLANEOUS) 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 will be represented by five managers.

The Hon. I.K. HUNTER (Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (22:57): I move:

That a message be sent to the House of Assembly granting a conference as requested by that house; and that the time and place for holding the same be the Plaza Room on the first floor of the Legislative Council at the hour of 4pm on Tuesday 3 April 2012—

The Hon. S.G. WADE: Mr President, point of order.

The PRESIDENT: Order!

The Hon. S.G. WADE: I have no idea what he is saying.

The PRESIDENT: Well, sit down and be quiet.

The Hon. S.G. WADE: Sorry, Mr President, I raised a point of order.

Members interjecting:

The PRESIDENT: Order!

The Hon. S.G. WADE: I raised a point of order.

The PRESIDENT: What is the point of order?

The Hon. S.G. WADE: I cannot hear the motion that is being read. How am I expected to respond to it?

The PRESIDENT: The honourable minister.

The Hon. I.K. HUNTER: Thank you, Mr President. I move:

That a message be sent to the House of Assembly granting a conference as requested by that house; and that the time and place for holding the same be the Plaza Room on the first floor of the Legislative Council at the

hour of 4pm on Tuesday 3 April 2012, and that the Hon. A.M. Bressington, the Hon. J.M. Gazzola, the Hon. S.G. Wade, the Hon. T.J. Stephens and the mover be the managers on the part of this council.

Motion carried.

At 22:59 the council adjourned until Thursday 29 March 2012 at 09:00.