LEGISLATIVE COUNCIL

Tuesday 15 May 2012

The PRESIDENT (Hon. R.K. Sneath) took the chair at 14:18 and read prayers.

MINING (EXPLORATION AUTHORITIES) AMENDMENT BILL

His Excellency the Governor assented to the bill.

STATUTES AMENDMENT (SERIOUS AND ORGANISED CRIME) BILL

His Excellency the Governor assented to the bill.

SERIOUS AND ORGANISED CRIME (CONTROL) (MISCELLANEOUS) AMENDMENT BILL

His Excellency the Governor assented to the bill.

RAIL SAFETY NATIONAL LAW (SOUTH AUSTRALIA) BILL

His Excellency the Governor assented to the bill.

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) (14:21): 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.

CORRECTIONAL SERVICES (MISCELLANEOUS) AMENDMENT BILL

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for Tourism, Minister for the Status of Women) (14:21): 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.

ANSWERS TO QUESTIONS

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

MINISTERIAL TRAVEL

9 The Hon. R.I. LUCAS (12 May 2010) (First Session). Can the Minister for Health state:

1. What was the total cost of any overseas trips undertaken by the minister and staff since 2 December 2008 up to 1 December 2009?

2. What are the names of the officers who accompanied the minister on each trip?

3. Was any officer given permission to take private leave as part of the overseas trip?

4. Was the cost of each trip met by the minister's office budget, or by the minister's department or agency?

5. (a) What cities and locations were visited on each trip; and

   (b) What was the purpose of each visit?

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 Health has advised:

1. $31,366.54.

2. Mr Christopher Picton, Chief of Staff. Mr Len Piro, Department of Trade and Economic Development (Tokyo component) and Dr David Panter, Department of Health (USA and Canadian component).

3. No.

4. Travel costs for the Minister and his Chief of Staff were met from the Minister's Office budget and travel costs for Mr Piro and Dr Panter were met within their Department's budget.

5. (a) Tokyo, Framingham, Boston, Montreal and Toronto.

(b) The purpose of the Japan component of the trip was to pursue the future of the Tonsley Park site and health programs designed for an ageing population.

The purpose of the North American component of the trip was to meet and build links with some of the world's best medical research centres, further public health cooperation between South Australia and Canada and study new Canadian public and private partnership hospital developments.

BUDGET EXPENDITURE

34 The Hon. R.I. LUCAS (30 June 2010) (First Session). What was the actual level for 2009-10 of both capital and recurrent expenditure underspending (or overspending) for all Departments and agencies (which were not classified in the general Government sector) then reporting to the Minister for Transport?

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. In 2009-10, the Department for Transport, Energy and Infrastructure (DTEI) spent:

Capital expenditure

	Actuals	Budget	(over)/underspend
Classified as general Government sector 1	$36.108m	N/A	N/A
Not classified as general Government sector 2	$953.441m	N/A	N/A
	$989.549m	N/A	N/A

Note: Capital expenditure is not budgeted for at a sector level so a comparison between 2009-10 expenditure and budget cannot be made.

Recurrent expenditure

	Actuals	Budget	(over)/underspend
Classified as general Government sector 1	$253.549m	$193.479m	($60.070m)
Not classified as general Government sector 2	$1,083.273m	$1,096.065m	$12.792m
	$1,336.822m	$1,289.544m	($47.278m)

Note: Recurrent expenditure actuals and budget includes Income Tax Equivalent payments.

1. This represents payments made to other government departments.

2.This represents payment made by DTEI outside the government sector. In 2009-10, TransAdelaide spent:

Capital expenditure

	Actuals	Budget	(over)/underspend
Classified as general Government sector 1	$0.043m	N/A	N/A
Not classified as general Government sector 2	$4.231m	N/A	N/A
	$4.274m	N/A	N/A

Note: Capital expenditure is not budgeted for at a sector level so a comparison between 2009-10 expenditure and budget cannot be made.

Recurrent expenditure

	Actuals	Budget	(over)/underspend
Classified as general Government sector 1	$6.352m	$6.719m	$0.367m
Not classified as general Government sector 2	$120.988m	$123.813m	$2.825m
	$127.340m	$130.532m	$3.192m

Note: Recurrent expenditure actuals and budget includes Income Tax Equivalent payments, and excludes depreciation.

1. This represents payments made to other government departments.

2. This represents payment made by DTEI outside the government sector.

In 2009-10 the Land Management Corporation spent:

	Actual	Budget	Variance	
Recurrent Expenditure	$49,982,531.71	$60,354,487.14	$10,371,955.43	Underspend
Capital Expenditure	$95,907,690.77	$129,945,266.05	$34,037,575.28	Underspend
Total	$145,890,222.48	$190,299,753.19	$44,409,530.71	Underspend

BUDGET EXPENDITURE

37 The Hon. R.I. LUCAS (30 June 2010) (First Session). What was the actual level for 2009-10 of both capital and recurrent expenditure underspending (or overspending) for all Departments and agencies (which were not classified in the general Government sector) then reporting to the Attorney-General?

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 Deputy Premier is advised:

1. This question does not apply to the Attorney-General's Department.

BUDGET EXPENDITURE

52 The Hon. R.I. LUCAS (30 June 2010) (First Session). What was the actual level for 2009-10 of both capital and recurrent expenditure underspending (or overspending) for all Departments and agencies (which are classified in the general Government sector) then reporting to the Attorney-General?

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 Attorney-General has been advised:

1. The 2009-10 result for Attorney-General's Department controlled items was an operating underspend of $2.3 million.

2. Investing expenditure was $1.7 million below budget in 2009-10.

LITTLE CORELLAS

194 The Hon. J.M.A. LENSINK (23 March 2011) (First Session). Can the Minister for Environment and Conservation advise—

1. What discussions has the Department for Environment and Natural Resources had with Alexandrina Council and Onkaparinga Council in relation to little corella populations in Strathalbyn and Noarlunga?

2. In relation to Alexandrina Council's request for the Department for Environment and Natural Resources' support in population control, what was the response?

3. As Alexandrina Council has directly sought the Department for Environment and Natural Resources' support for its 'Little Corellas Management Plan', will cooperation on this matter take place?

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 Sustainability, Environment and Conservation has been advised:

1. Staff from the Department of Environment and Natural Resources (DENR) have had numerous discussions and meetings with Onkaparinga and Alexandrina Councils regarding Little Corella management.

DENR recognises the Little Corella management challenges and has provided support to the two Councils in a variety of ways including:

- DENR, the Adelaide and Mount Lofty Ranges Natural Resources Management Board, SA Murray Darling Basin Natural Resources Management Board, and the City of Onkaparinga and Alexandrina Council jointly funded a visit by a corella expert from Victoria to Old Noarlunga in March 2010 to examine ways to effectively manage the impacts of the large number of Little Corellas in the region. The report was provided to the project partners in April 2010, and has since been distributed to the public.
- In November 2010, DENR staff met with the Onkaparinga Council to discuss management plans and the collaboratively funded report by Ian Temby, titled: Managing Impacts of the Little Corella on the Fleurieu Peninsula. The meeting was positive with productive discussion around identifying and improving strategies for managing Little Corellas in Old Noarlunga, as well as clarifying roles and responsibilities associated with Little Corella management more broadly.
- A DENR representative attended all Alexandrina Council community forums on Little Corella management in 2010 and 2011 and participation in future forums is anticipated.
- On 10 March 2011, DENR representatives met with staff from the Alexandrina Council to discuss the management of Little Corellas in the community, and approaches for improving management strategies.
- In September 2011, a representative from DENR met with Alexandrina Council staff to provide comment on the draft 'Alexandrina Council Little Corella Management Plan 2011-2012'. Subsequent feedback was also provided to the Council on this plan.
- In October 2011, DENR staff assisted the Onkaparinga Council to develop an Implementation plan for the Management of Little Corellas in Old Noarlunga and assisted in presenting this to the community at an Information Session in November.

2. DENR is not aware of any formal request from Alexandrina Council for further support in population control.

3. DENR has provided and will continue to provide assistance to the Alexandrina Council with its Little Corella Management Plan.

SOUTHERN HAIRY-NOSED WOMBAT

196 The Hon. T.A. FRANKS (6 April 2011) (First Session). Can the Minister for Environment and Conservation advise—

1. (a) How many reports of illegal killings of southern hairy-nosed wombats Lasiorhinus latifrons have been received by the Department; and

   (b) How many investigations have been undertaken by the Department?

2. (a) What were the outcomes in terms of numbers of prosecutions, successful or otherwise; and

   (b) What were the penalties issued?

3. Is there any intention to review the code of practice for humane destruction of pouched young ('Joeys') orphaned after their mothers have been shot to remove the prescription for decapitation as the only allowable method of destruction, as requested by animal welfare organisations like the Wombat Awareness organisation (WAO)?

4. What plans or strategies are in place to increase/promote the assistance given to landholders in improving their non-lethal management strategies involving human-wombat interaction?

5. Did all applicants for destruction permits receive visits from Department staff and, if not, what proportion of applicants applying for permits was visited?

6. Were any applications for destruction permits not granted?

7. Are any alternatives offered to landholders seeking destruction permits before, during, or after field visits?

8. Have destruction permits been authorised to allow culling of entire colonies on individual properties?

9. Have permits been issued for the destruction of wombats not in or near plough lines or fence lines?

10. Have any destruction permits been issued to hobby farmers who do not rely on livestock for income?

11. Is the Minister's Department aware of any evidence regarding the effectiveness of culling as a method of reducing wombat numbers in the long term?

12. Is there a likelihood of local population extinctions from illegal culling or as a result of diseases such as Sarcoptic Mange which lead to approximately 80 per cent reductions reported during the 2004-05 season?

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 Sustainability, Environment and Conservation has been advised:

1. (a) Between 1 January 2000 and 31 December 2011, the Department of Environment and Natural Resources' (DENR) central database shows nine case reports specifically relating to alleged illegal killing of Southern Hairy-nosed Wombats. These case reports may include multiple separate reports to the Department regarding related complaints or incidents.

(b) In the same period, eight reports of alleged illegal killing of Southern Hairy-nosed Wombats were investigated. One report is currently under investigation. In cases where evidence warranted field investigation, DENR staff, Royal Society for the Prevention of Cruelty to Animals (RSPCA) officers and National Parks wardens conducted on site assessments.

2. (a) Between January 2000 and December 2011, no investigation reached prosecution. Allegations of offences were unable to be substantiated due to insufficient information, evidence being based on old or third party information, or there being no evidence at all.

(b) As there were no prosecutions there were no penalties issued.

3. The 'Code of Practice for the humane destruction of wombats by shooting in South Australia' was approved by the Wildlife Ethics Committee in 2007 and was based on national best practice regarding the most humane available methods at the time. A review of this Code of Practice is currently underway.

4. The Government promotes a 'living with wildlife' philosophy for all native species; this approach:

- promotes positive attitudes toward wildlife;
- encourages people to understand the importance of wildlife conservation;
- considers the welfare of all wildlife; and
- promotes humane and non-lethal methods as the way to manage problems with wildlife.

Officers from DENR regularly provide advice to landholders regarding non lethal management strategies for issues involving conflict with Southern Hairy-nosed Wombats. For example, in the South Australian Murray-Darling Basin region all destruction permit applicants are sent the 'Living with Wombats' fact sheet, which includes detailed information about alternative non-lethal methods of wombat management.

Community workshops were held in October 2010 in the South Australian Murray-Darling Basin region to discuss issues and opinions of landholders regarding Southern Hairy-nosed Wombats, and to further inform and engage landholders in non-lethal management strategies.

In May and June 2011, additional regional workshops were held on Eyre Peninsula, West Coast, and Yorke Peninsula. These workshops were funded by DENR and run by Conservation Ark.

5. No, not all applicants for destruction permits received visits by staff from DENR. The proportion of applicants applying for permits that were visited is not known. When a permit application is received from a new applicant, a telephone call to the applicant is a prerequisite. After the initial telephone call, the issuing officer and the District Ranger make a decision about whether or not a site visit is required. If the application is from a landowner who has previously lodged an application, it is likely the permit would be processed without a site visit.

6. DENR keeps records on destruction permits issued (i.e. number of permits issued and the species the permits were issued for). Data on destruction permit applications that have been refused is not collected.

7. Alternatives, such as those listed on the DENR website and in the 'Living with Wombats' fact sheet (available on the SA Murray Darling Basin Natural Resources Management Board website) are provided to landholders. This information is explained to landholders prior to, and/or during field visits, and is available to landholders at any time.

8. Destruction permits are not granted on the basis of culling entire colonies on specific or individual properties.

9. Yes, where necessary to mitigate damage caused by Southern Hairy-nosed Wombats where non-lethal measures have not been successful; for example permits have been issued where damage to buildings and infrastructure has occurred.

10. DENR has no record of any destruction permit for Southern Hairy-nosed Wombats having been specifically issued to hobby farmers who do not rely on livestock for income.

11. Destruction permits are not issued for the purpose of 'reducing wombat numbers in the long term'.

12. It is difficult to speculate on any likelihood of local population extinction due to alleged illegal culling of Southern Hairy-nosed Wombats due to limited valid evidence being available.

ADELAIDE CONVENTION BUREAU

320 The Hon. T.J. STEPHENS (13 September 2011) (First Session). Can the Minister for Tourism advise—

1. Will the $1 million annual funding to the Adelaide Convention Bureau be reduced by $50,000 every year until 2014-15, amounting to a $200,000 loss by 2014-15?

2. From where will this $50,000 per year be cut?

3. How much time and money does the government allow for future bids for major events?

4. Will the upgraded Convention Centre be able to host a major international exhibition by 2014?

5. Will the upgrade be completed by 2014?

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

1. The $1 million annual funding to the Adelaide Convention Bureau (ACB) will be reduced by $50,000 in 2011-12, a further $50,000 in 2012-13 and a further $100,000 in 2013-14.

2. The annual reductions will be cut from the South Australian Tourism Commission's (SATC) Administrative Budget.

3. SATC contributes $100,000 per year to the ACB's bidding fund for future major conventions.

4. The Government has committed $350 million to the redevelopment of the Adelaide Convention Centre (the Centre). The upgrade is being delivered over six years and across two integrated stages. The upgrade will re-establish the Centre as one of the world's premier conference venues, ensuring its continued competitiveness and contributing significantly to South Australia's economic and tourism growth.

5. Stage one of the project is due to be completed in 2014. Stage one expands the existing facility by using the air space above the railway lines and linking the new structure to the Morphett Street Bridge. Stage two will be completed by June 2017 and will replace the existing plenary building with a multi-purpose facility and includes upgrades to the North Terrace frontage.

DEPARTMENTAL EMPLOYEES

335 The Hon. R.I. LUCAS (24 November 2011) (First Session). Will the Deputy Premier provide a detailed breakdown, by all Departments and agencies then responsible to the Deputy Premier, of the number of full-time employees—

1. As at 30 June 2011; and

2. Estimated for 30 June 2012?

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 Deputy Premier has been advised:

1. On 30 June 2011 the Attorney-General's Department had 1,221 full-time employees.

2. The Attorney-General's Department estimates that the number of full-time employees that will be reported for 30 June 2012 will be 1,134.

PAPERS

The following papers were laid on the table:

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

Regulations under Acts—
- Energy Products (Safety and Efficiency) Act 2000—General
- Liquor Licensing Act 1997—
  - Dry Areas—Long Term—
    - Goolwa Area 1
    - Mannum
    - Millicent
  - General—Fees

Rules of Court—
- Magistrates Court—Magistrates Court Act 1991—
  - Amendment No. 42
  - Civil—Amendment No. 42

Report and Determination of the Remuneration Tribunal No. 2 of 2012—Conveyance Allowance—Court Officers, Judges and Statutory Officers

Report and Determination of the Remuneration Tribunal No. 3 of 2012—Travelling and Accommodation Allowances—Court Officers, Judges and Statutory Officers

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

Regulations under Act—
- Local Government Act 1999—Services, Rates and Charges

QUESTION TIME

TOURISM COMMISSION

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:29): I seek leave to make a brief explanation before asking the Minister for Tourism a question about conflicts of interest within the South Australian Tourism Commission.

Leave granted.

The Hon. D.W. RIDGWAY: On 2 March, the chief executive of the South Australian Tourism Commission, Ian Darbyshire, was suddenly knifed. Mr Darbyshire was called into the office of Jim Hallion, who is the head of the Department of the Premier and Cabinet, and told his contract would be terminated. The same day, the tourism minister announced that Mr Darbyshire's replacement as the CEO of the South Australian Tourism Commission would be the chair of the board, Jane Jeffreys. Ms Jeffreys, said the minister, would be both the chief executive and the chair of the board.

But the roles of the chief executive officer and the chair of the board are very different. As boss of the board, Ms Jeffreys has overall responsibility for planning the commission's strategic direction and monitoring whether the SATC has met its goals, monitoring the SATC's operational performance, maintaining tourism industry partnerships and ensuring sound corporate governance. In other words, as the SATC chair, Jane Jeffreys has to monitor and judge the performance of the Chief Executive, who is Jane Jeffreys. She is the judge and she is the jury.

As the South Australian Legal Services Commission explains, judge and jury have very different parts to play. The jury listens to the evidence and decides who or what to believe. It decides the facts of the case. It, and only it, decides whether the defendant—let us say, the CEO—is derelict in their duty, incompetent or inept but, in her position as chair, would Ms Jeffreys sack Ms Jeffreys? My questions are:

1. Can the minister please inform this parliament of any other jurisdiction in Australia's public sector where such an intolerable situation is acceptable?

2. Can the minister inform the parliament of any major private or publicly listed company where the chair of the board is the chief executive officer?

3. Has the SATC chair and CEO expressed any interest in entering politics? If so, under this government, could it be possible for the chair of the tourism board to be the CEO of the Tourism Commission and minister for tourism all in one?

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) (14:31): I thank the honourable member for his important question and his ongoing interest in the policy area of tourism, although it is somewhat spurious. Nevertheless, I do appreciate the opportunity, through the questions asked by the Hon. David Ridgway, to reassure all honourable members that indeed there is no conflict in the current arrangements of the joint role of chief executive and chairperson of the tourism board. In fact, I made sure, prior to those arrangements, that the Crown's advice was sought in relation to the matter, and they found no impediment in terms of going forward.

That is because the conflict arrangements, in terms of any potential interests that the chairperson, Jane Jeffreys, might have, would be dealt with under the same provisions that currently exist for any board member who might have vested interests that could in some way raise themselves as a potential conflict. Those provisions still underpin the current, if you like, code of conduct, and Ms Jeffreys is bound by those.

I think what we have seen here is a bit like wishful thinking or sour grapes because, since Ms Jeffreys has taken over both roles, we have seen an incredibly competent role and function performed by Ms Jeffreys. We have seen a very smooth transition into what is an interim arrangement. We have no intention of keeping this dual role in place for a protracted period of time but, certainly, as an interim measure, it is a satisfactory arrangement. In fact, more than that, Ms Jeffreys has done an absolutely sterling job. She is an incredibly competent woman, and she conducts herself with the highest integrity. She has shown beyond the pale—

Members interjecting:

The PRESIDENT: Order!

The Hon. G.E. GAGO: —that these roles can be jointly held without any conflict and without any impediment whatsoever to the efficient functioning of the organisation. That is what Ms Jeffreys has shown, and I am sure the Hon. David Ridgway would just love to be able to fling something across the chamber that showed that there was some deficit. Of course, he cannot, and he cannot do that because it is functioning extremely well under the guidance of the current chair and Chief Executive.

I am very pleased with the way that the role is currently being performed. As I said, it is an interim arrangement only. It is certainly not an arrangement that is for the long term. It has only ever been considered to be a short-term arrangement. As I have said in this place before, I have asked that a review of the structure of the organisation occur and for that to be considered by the board. I look forward to Ms Jeffreys handing down that review.

LIQUOR LICENSING

The Hon. J.M.A. LENSINK (14:35): I seek leave to make a brief explanation before directing a question to the Minister for Youth on the subject of hospitality work opportunities.

Leave granted.

The Hon. J.M.A. LENSINK: The hospitality industry is favoured by many student workers because it is one of the few industries which have flexible enough working hours to fit around their studies. Under the government's new liquor licensing fee structure, many of these students who work long hours at venues which currently trade after 2am or 4am will lose valuable shifts or their jobs altogether. Future teachers, nurses, dentists and social workers, to name a few, who are trying to pay their own way through their studies are being penalised. My questions are:

1. Does the minister know how many young people are currently employed in licensed venues across the state?

2. Has he received any advice from YACSA, his own advisory body, or similar body, on how this is going to impact on these workers?

The Hon. I.K. HUNTER (Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (14:36): I thank the honourable member for her very important question about work opportunities in the hospitality sector. In terms of her first question about the number of young people or students, I suppose, who are in this workforce, I would have to take that part of the question on notice. I think that might more appropriately be directed to Mr Kenyon, the Minister for Employment, Higher Education and Skills in the other place. In regard to her second question about whether YACSA has contacted me about this, to the best of my knowledge the answer is no.

NATIONAL DISABILITY INSURANCE SCHEME

The Hon. S.G. WADE (14:37): I seek leave to make a brief explanation before asking the Minister for Disabilities a question relating to the National Disability Insurance Scheme.

Leave granted.

The Hon. S.G. WADE: Yesterday's *Australian* newspaper reported:

> Julia Gillard and Wayne Swan kept up their public pressure on the states, demanding they lift their disability funding to a new national benchmark to support the NDIS, which is expected to cost $15bn each year.
>
> The Australian has learned the states will have to spend between $1100 and $2500 extra on services for each person with a disability before they can take part in one of the four launch sites for the first stage of the NDIS announced in the budget last Tuesday.
>
> The government has set a new benchmark for disability funding by the states of $8738 a person.
>
> Victoria and Tasmania are the only state governments that meet that level of funding.

I understand that, after a decade of Labor, the Productivity Commission has calculated that South Australia spends 15 per cent less than the national average on disability support. In answer to a question in this place on the National Disability Insurance Scheme on 2 May, the minister said:

> The Premier and I have been lobbying for several months for a trial to be held here in South Australia, and I will certainly continue to advocate in the strongest terms for this to happen.

My questions are:

1. Is the government still pursuing an NDIS launch site?

2. Does the minister agree that to attain one of the launch sites in South Australia and the federal funds that come with it would require a significant increase in budget allocation to disability services?

3. How much would South Australia's funding for disability services need to increase in the 31 May budget for South Australia to be able to host a launch site?

The Hon. I.K. HUNTER (Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (14:38): I thank the honourable member for his very important question on a very important issue and I acknowledge his ongoing interest in the area. I am very pleased to say that the federal government committed a significant amount of funding to the launch of the National Disability Insurance Scheme in last week's federal budget. I must say at the outset that part of the Hon. Mr Wade's explanation before he came to the question I think is probably in error. I think he said that the Productivity Commission calculates that the South Australian state's spend is 15 per cent less than the national average. My information is that that is not correct.

The figures that have been used from time to time in the other place based on national averages is actually taking a figure from the Productivity Commission which includes federal employment and training spending money and which is not included in the South Australian average spend. If you take out federal employment spending from the figures and you compare apples with apples, our spending, I understand, as at least of last month (certainly as at the most recent RoGS data), is that we are about $4 or $5 per capita less than the national average. In regard to his first question, the answer is yes; in regard to his second question the answer is yes; and, in regard to the third question, I suppose that we should say that he should wait for the budget to be handed down.

CITRUS INDUSTRY

The Hon. CARMEL ZOLLO (14:40): I seek leave to make a brief explanation before asking the Minister for Agriculture, Food and Fisheries a question about the citrus industry.

Leave granted.

The Hon. CARMEL ZOLLO: The citrus industry is one of South Australia's important rural industries and a source of export income, as South Australian grown oranges, lemons, limes and mandarins are shipped interstate and overseas. Can the minister advise the chamber about recent developments in the representation of the citrus industry?

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) (14:41): I thank the honourable member for her most important question, and the honourable member is correct in stating that this is an important industry. I am advised that the industry is worth about $49 million from farm gate revenues and $348 million in gross food revenues; and, obviously, it is a major employer, particularly in the Riverland.

Members may be aware that there has been considerable division and disunity in the representation of the citrus industry for some time, and this division has not served the industry well in recent times. An industry which has particularly experienced extended drought, unfavourable exchange rates and market pressures should speak—and needs to be able to speak—with a united voice. Unfortunately, this is not the situation.

When I became minister I was, indeed, very reluctant to intervene, and I have only done so because the industry has demonstrated that it is unable to come together under its own steam. My predecessor had commissioned a highly respected former judge of the District Court, Mr Alan Moss, to investigate and provide recommendations and a blueprint for the future for an industry representative group. However, it was important that the citrus industry itself consider the practical steps it needed to take to unite and move forward.

I therefore asked Mr Neil Andrew, a citrus grower and a former speaker of the House of Representatives, to head up a group with representation from considered leaders within and across the industry to help map the way forward. This group, the Citrus Industry Transition Working Party, recently provided its recommendations to me, and I have accepted its recommendations in total.

I have accepted those recommendations and will work with the industry to establish the South Australian Regional Advisory Committee (SARAC) as the regional arm of Citrus Australia Limited (CAL). The transition working party made it clear that the industry was not happy with the

duplication of administrative matters, nor was it happy about the amount payable in terms of two levies to two different industry groups. Instead of the two levies payable by citrus growers, under the new arrangements the contribution rate for the citrus scheme under the Primary Industry Funding Scheme Act will be set at $1 per tonne of citrus produced. That is a saving of $2.85 per tonne for oranges and a $1.85 saving per tonne for other citrus, such as lemons and mandarins.

The new body will be skills based and include a minimum of four growers (I think up to seven members constitute SARAC), which will enable others, such as packers, processors and wholesalers etc., to be involved. The expenses of the body will be kept to a minimum with the chair receiving remuneration while the members' expenses will be reimbursed. So it will be a very streamlined structure.

The new SARAC will have the important role of developing and consulting on a five-year management plan for the use of grower contributions which will only be able to be spent for the purposes aligned in the five-year plan. The funds will be paid to CAL but only for the purposes identified by the South Australian industry.

Only a small amount of fruit produced in South Australia is actually sold to consumers in South Australia currently. Many of the issues facing the industry such as access to new markets, biosecurity and promotion are national issues, so the working party believed an association with CAL was essential. At the same time, the working party recognised the industry will be faced with local issues and must be able to adequately respond to those.

The changes will take time to implement. The current Citrus Industry Development Board, which is established under the Citrus Act, will be disbanded. I propose to introduce legislation to make the necessary legislative changes. These changes are intended to benefit local representation and strong linkages to the federal body while reducing red tape in the industry.

Last week I travelled to the Riverland and met with citrus growers (those who pay voluntary levies to gain representation and services for their community) to discuss my decision. The meeting which I attended at Loxton and Ramco on Thursday were attended by citrus growers and other leaders and key stakeholders in the industry. In addition, the working party chair, the Hon. Neil Andrew, hosted a further two meetings in Renmark and Mypolonga on Friday last week and at the Adelaide Wholesale Markets on Monday 14 May.

I know from correspondence and feedback that I have received that the industry has been awaiting the announcement and is obviously very keen to move forward. The mechanics of this change will take a few months to implement, and I appreciate the patience shown by citrus growers. It will be up to the industry to seize this opportunity and to unite to support their new representative organisation.

CITRUS INDUSTRY

The Hon. J.S.L. DAWKINS (14:47): I have a supplementary question. When will the amending bill be introduced into parliament?

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) (14:47): I intend that that will be done as quickly as possible and I am hoping within the next couple of months.

CITRUS INDUSTRY

The Hon. J.S.L. DAWKINS (14:47): I have a further supplementary question. Will the minister indicate what level of representation the new body will send to Citrus Australia Limited?

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) (14:47): Will send to?

The Hon. J.S.L. DAWKINS: To Citrus Australia Limited. You referred to it as CAL.

The Hon. G.E. GAGO: CAL. The new representative body, SARAC, will be a subcommittee of CAL and it will also be responsible for representing the interests of the industry generally, not just to CAL but generally throughout the state. The members of SARAC will not be required to be members of CAL. Obviously I encourage members to be members of their peak

national organisation, but that is obviously a matter for individuals. The members of SARAC will not be required to be members of CAL.

SARAC will be given the responsibility of formulating the five-year management plan, and it is within that plan that the objectives and priorities for the South Australian industry for the South Australian citrus growers will be outlined, and CAL will not be able to spend moneys outside of those guidelines. In that way we have ensured that the industry funds will absolutely reflect the interests of South Australian citrus growers.

PUBLIC HOLIDAYS

The Hon. R.L. BROKENSHIRE (14:49): I seek leave to make a brief explanation before asking the Minister for Industrial Relations, the Hon. Russell Wortley, a question about Mother's Day.

Leave granted.

The Hon. R.L. BROKENSHIRE: Honourable members no doubt honoured their mothers in their own ways within their families on Sunday, and the observance of Mother's Day is something that Family First naturally wholeheartedly supports. I draw the minister's memory back to the debate we had on the Holidays Act whereby I moved an amendment to relocate the Adelaide Cup day holiday to the weekend that would hypothetically have meant that yesterday would have been a public holiday, being the second weekend in May where the racing industry wants the holiday to go, and it would also mean that Mother's Day each year is a long weekend.

I note, for the record, the holiday was previously on the first weekend in May but was relocated on a trial basis at the request of the industry (represented at that time by a different administration to what it has now) to its current March date. As I say, the industry's current administration wants the holiday relocated to May, but on the second weekend, not the first. In passing mention of Adelaide Cup day, I note that we have just enjoyed the legendary racehorse Black Caviar race twice in this state, including this weekend, drawing great crowds and demonstrating that the racing industry is in good health. Arguably, if the industry had its way Black Caviar would have been racing in a May Adelaide Cup, or at least in conjunction with it. My questions to the minister are:

1. What is the status of the review of the Holidays Act?

2. Given that the racing industry is resolute in its wish to relocate the holiday to the second Sunday in May and given that a vote on the amendment to shift the holiday was narrowly lost by one vote (from memory), has the government had a re-think on this issue?

The Hon. R.P. WORTLEY (Minister for Industrial Relations, Minister for State/Local Government Relations) (14:51): I thank the member for his question. First of all, the status of the review: we extended the review to allow people from religious orders to make submissions. That has now closed. We had five new submissions. Yesterday, I had a meeting with SafeWork SA, and it is collating all of the information. We will soon be looking at that and trying to make a decision on which way we would like to go. I think it is important that we have gone through a very long consultation period. There are varying views on what should happen, not only with the Adelaide Cup day but with a number of other days in that period, so I think it is important that we take a bit of time to consider all of the options before we make an announcement on which way we would like to go.

With regard to the Adelaide Cup day, the government has not changed its mind. We originally changed the date from May to March at the request of the racing industry because of the weather and the like. They now want to change back, I do not know for what reason; maybe the competition for heads at the racetrack has made it difficult for them, but we have made this a part of the March festival period. A lot of events take place on that weekend; for instance, this year there was WOMADelaide and the Future Music Festival. There were a number of events on that day, and they all had good crowds. The organisers are insistent that, for them to plan ahead, they need know that holiday is there. So, our position is that that day stays in March. I hope that has answered the member's question.

PUBLIC HOLIDAYS

The Hon. R.L. BROKENSHIRE (14:53): Supplementary to the last part of the minister's answer, is the minister saying that the main reason the government does not want to change the holiday back to May is because it is a great deflection during the election period every four years?

The PRESIDENT: Order! The minister did not mention anything about that.

PUBLIC HOLIDAYS

The Hon. T.A. FRANKS (14:53): I have a supplementary question. Can the minister clarify, when he says 'change the date back', is the date currently still set in May, which is my understanding, or has it in fact technically moved to March? Will the government have to officially move the date of the Adelaide Cup holiday to March at some time in the near future?

The Hon. R.P. WORTLEY (Minister for Industrial Relations, Minister for State/Local Government Relations) (14:53): If we are to keep this on a permanent basis for March we will have to change the date in the Holidays Act.

WORK-LIFE BALANCE

The Hon. G.A. KANDELAARS (14:54): My question is to the Minister for Industrial Relations. As the Hon. Robert Brokenshire pointed out, last weekend we celebrated Mother's Day. Can the minister advise the chamber how the South Australian government is supporting mothers to balance work and family commitments?

The Hon. R.P. WORTLEY (Minister for Industrial Relations, Minister for State/Local Government Relations) (14:54): I thank the honourable member for his question and acknowledge how much he loves his mother. I thought the honourable member asking a previous question was going to go into how much we feel about our mothers on this special day, but obviously he had other things on his mind.

Mother's Day is a special day when we can show our appreciation for our mums. It is an ideal day to say thank you not just for being a mum but for juggling the many demands that being a mother brings with it. One such demand, which is increasingly felt by many mums, is achieving a balance between work and family commitments. In many families, men are no longer the sole breadwinner.

Times have changed, and many women either need or want to maintain their employment after having children. In 2009, 63 per cent of mothers with dependent children were in paid work. Our economy also relies on the contribution of working mothers, and the government is keen to increase women's participation rates in the workforce. In May 2010, women's participation rate was 58.3 per cent—lower than that in the US, the UK, Canada and New Zealand.

Technological advances have seen a growth in a 24/7 workplace, where mobile phones, emails and changed work patterns encroach on family time. The workforce is still catching up with the flexibility that is required to deal with these advances. Working mothers often bear the brunt of the increased demands of working in a 24/7 environment, as the division of labour at home has also been slow to change, with women still doing around twice as much unpaid work as men, including caring for children and elderly parents.

South Australia's Strategic Plan includes a work-life balance target, which is to improve the quality of life for all South Australians through the maintenance of a healthy work-life balance. The government aims to achieve this by promoting the benefits of flexible work and leave arrangements to both employees and employers. Progressively, businesses are seeing the benefits of adopting flexible work arrangements, not just for women but for men, too. In the competition for skilled labour, flexible work arrangements attract new workers and enable businesses to retain their skilled and experienced employees, avoiding turnover and retraining costs.

The Work, Life and Workplace Flexibility report, produced in 2009 by the University of South Australia, indicates that just over one in five Australian employees had made a request for some work flexibility in the year preceding the survey. However, the rate of requests for women was almost twice that of men: 29.1 per cent compared with 16.3 per cent. SafeWork SA is working with South Australian employers to provide assistance in responding to these requests and to help take off the pressure from our working mums.

The agency has run master classes with South Australian employers to provide practical, hands-on assistance, to implement flexible innovations like access to compressed hours, expanded leave options, breastfeeding at work and working from home policies. SafeWork SA is also undertaking a quality, part-time work project, which is particularly relevant to working mothers. A women's choice to work part-time is usually driven by caring responsibilities, often to the detriment of career and salary.

SafeWork SA is working with a different industry each year to improve training, career and security of employment options for part-time workers. The government will continue to support SafeWork SA in its work to enable mothers and fathers to receive the support they need to achieve a suitable work-life balance.

CHILD HARBOURING

The Hon. A. BRESSINGTON (14:58): I seek leave to make a brief explanation before asking the minister representing the Minister for Education and Child Development questions about child harbouring offences in the Children's Protection Act 1993.

Leave granted.

The Hon. A. BRESSINGTON: In response to the findings of the Mullighan inquiry in 2009, this parliament passed the Statutes Amendment (Children's Protection) Bill, which in part introduced two new offences for harbouring a child in state care. These are the failure to comply with the direction not to harbour, conceal or communicate with the child under section 52AAB, and harbouring or concealing a child under section 52AAC. Referring to section 52AAB at the time, the minister stated, when introducing the bill:

> These directions are aimed to protect vulnerable children who are in State care from the kinds of exploitation referred to by Commissioner Mullighan in his report.

Whilst the parliament's attention at the time focused on the proposed child protection restraining orders—and I remind ministers in another place that I have unanswered questions about these from as far back as September 2010—I did raise my concern in my second reading contribution that the harbouring offences could—and, knowing Families SA, probably would—be applied to family members of children in state care. At the time I implored the minister to 'keep a close eye on this and monitor this particular concern of mine very closely'.

Unfortunately my fears were well founded, with my office recently being informed of two now adult siblings of a 16 year old boy in state care being charged and prosecuted with failing to comply with a direction not to harbour, conceal or communicate with a child. These are 23 year old and 24 year old sisters. The 16 year old contacted his 23 year old sister depressed and threatening suicide, and she asked him to come around to her home, and have a sit down and a bit of a chat.

He stayed for a couple of days. She encouraged that, for him to calm down. She did notify the department that he was there and that she was just trying to fulfil her role as an older sister. The police went around, saw that he was not at any risk and that the older sister was doing exactly as she said she was doing; that is, trying to keep her younger brother alive and stabilise him.

Despite assurances by the minister at the time that such notices would only be issued to those whose 'actions represent a real risk that the child will be abused, neglected or exposed to drug activity', these young women, both of whom were also under the guardianship of the minister and who only acted out of concern for their younger brother—who reportedly, since being in state care, has been using cannabis, roaming the streets at all hours of the night, involving himself in petty crime and has made posts on his Facebook stating a desire to kill himself—are now facing a maximum $15,000 fine or four years' imprisonment.

We have been told that the department is insisting on a gaol term. Whilst I assure the council that I will be pursuing this matter in alternative forums, I am also concerned about the misapplication of these offences. To this end, my questions to the minister are:

1. Since the section's enactment on 1 August 2010, how many directions have been issued under section 52AAB?

2. How many of these were directed at a parent of a child in state care?

3. How many were directed at siblings or extended family of a child in state care?

4. How many prosecutions have occurred for breaching a direction issued under section 52AAB, and how many of these were against a parent, sibling or extended family member of a child in state care?

5. How many prosecutions have there been for the offence of harbouring or concealing a child under section 52AAC? Of these, how many were against a parent, sibling or extended family member of a child in state care?

The Hon. I.K. HUNTER (Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (15:02): I thank the honourable member for her most important questions, and commend her for her continuing interest in these very important matters. I undertake to take these questions to the Minister for Education and Child Development in another place and seek a response on her behalf.

OPAL FUEL

The Hon. T.J. STEPHENS (15:03): I seek leave to make a brief explanation before asking the Minister for Communities and Social Inclusion, representing the Minister for Aboriginal Affairs and Reconciliation, questions about the implementation of Opal fuel at Yalata on the west coast of South Australia.

Leave granted.

The Hon. T.J. STEPHENS: Two years ago I asked the then minister for Aboriginal affairs about installation of an Opal fuel outlet in the Yalata community to reduce the incidence of petrol sniffing. The minister stated in her answer that the commonwealth department of health had provided the funds for its implementation, yet some delays had been experienced. This was back in February 2011. The minister went on to state that departmental officials were engaged in discussions to resolve these issues.

Recently I travelled to Ceduna with the Aboriginal Lands Parliamentary Standing Committee. There I was informed that the Opal fuel outlet had still not been installed and the local community had not been informed of the reasons for the delay. It was rumoured that there was the prospect of delivery in December this year. My questions to the minister are:

1. What is the reason for the protracted delay in the Opal fuel implementation at Yalata?

2. Why has it taken two years to resolve these issues?

3. Does AARD or any other department still hold the commonwealth funds? If so, how much interest has the government made on these funds?

4. When does the minister expect the Yalata community to have a fully operational Opal fuel outlet?

The Hon. I.K. HUNTER (Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (15:04): I thank the honourable member for his most important question about Opal fuels. I undertake to take those questions to the Minister for Aboriginal Affairs and Reconciliation in another place and seek a response on his behalf.

NATIONAL VOLUNTEER WEEK

The Hon. J.M. GAZZOLA (15:05): My question is to the Minister for Volunteers. Will the minister inform us about National Volunteer Week?

The Hon. I.K. HUNTER (Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (15:05): I thank the honourable member for his most important question. This week, we celebrate and thank our volunteers and recognise their contribution, which is vital to the health of communities right across our state.

Every day, volunteers provide care and support in our hospitals, they mentor young people, they coach sport, they help in school canteens, they fundraise, they protect our environment and they save our lives. The theme for this year's National Volunteer Week is Volunteers—Every One Counts. National Volunteer Week provides an opportunity for all communities across South Australia to recognise and thank volunteers for all that they do.

I have had the pleasure of meeting a great variety of people in organisations throughout the state who do some wonderful volunteering work. I am always impressed by their passion, their generosity and their dedication, and it is fitting that we celebrate and acknowledge their selfless and honourable dedication to the wellbeing of others.

There are a number of events to celebrate this week right across South Australia. To launch the week, volunteers marched from Torrens Parade Ground down King William Street for a sausage sizzle in Victoria Square. Local councils, such as Alexandrina Council, the District Council

of Mount Barker and the Adelaide Hills Council are holding free volunteer movie days. A volunteers' tea party will be held by the Lyell McEwin Regional Volunteer service on Thursday 17 May. Zoos SA will also host an event to celebrate volunteering on that day, and Anglicare, I am told, will hold a luncheon on Friday to thank their volunteers. These are just a very few of the many events, spread out across the week, occurring across our whole state.

With more than 830,000 volunteers contributing 1.41 million hours per week, the state government will continue to promote and engage an active volunteering sector here in South Australia. Assistance and support, such as the Free Volunteer Training Grants program, will provide $80,000 to 27 organisations to deliver free training to volunteers in South Australia. Some other areas of support include Youth Volunteer Scholarship Awards, the Community Voices program, and the Volunteer Bonus Books program, to reward our volunteers for their selfless work for our community. I commend the many thousands of volunteers in our state who dedicate their time and effort to make our state a great place to live.

INCITEC PIVOT

The Hon. M. PARNELL (15:07): I seek leave to make a brief explanation before asking the leader of government business questions on the future of the Incitec Pivot plant at Port Adelaide.

Leave granted.

The Hon. M. PARNELL: In response to a series of leaks of toxic and carcinogenic chemicals from processing plants in New South Wales at the end of 2011, the New South Wales EPA commenced a systematic audit of 40 premises that pose a high environmental risk in that state, including oil refineries, chemical processing plants, large chemical and gas storage depots and large chemical warehouses. The results of those audits have just been published and reveal a number of concerning breaches at Incitec Pivot's plants.

Incitec Pivot's agricultural phosphate fertiliser storage and distribution facility on Kooragang Island, for example, committed a code red violation by failing to use monitoring data from its fertiliser storage area to reduce potential environmental impacts. At Incitec Pivot's ammonia storage facility at Moree, there were breaches involving inadequate controls in place to manage a spill of ammonia into the air when the site is unattended.

Members would be aware that Incitec Pivot operates an ammonia plant in Port Adelaide. In late 2010, the controversial Newport Quays Dock 1 residential development was abandoned after a SafeWork SA report, revealed by the Greens under the Freedom of Information Act, documented the enormous risk to Port Adelaide residents from an explosion or the release of toxic gas from the site. At the time, the then minister for urban development and planning (Hon. Paul Holloway) said that the state government was working with Incitec Pivot to relocate the company by 2012. My questions are:

1. What is the state of negotiations with Incitec Pivot to relocate its plant away from Port Adelaide residents?

2. Will the government meet its deadline of shifting the plant by 2012 and, if not, why not?

3. Where will the plant be shifted to?

4. When was the last time the South Australian EPA audited the Port Adelaide Incitec Pivot plant for compliance with its licence conditions or other environmental requirements?

5. In light of the concerning breaches of safe chemical handling at Incitec Pivot plants in New South Wales, will the EPA now conduct a similar audit at the Incitec Pivot plant in Port Adelaide?

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) (15:09): I thank the honourable member for his important questions. They relate to matters that are outside my portfolios, as I am sure the honourable member well knows. Most of the matters involve the EPA, which of course is the responsibility for the minister for the environment, so I will refer those to the minister in another place and bring back a response.

I would imagine also that it is likely that it is Environment that is participating in the negotiations around plant relocation. I would assume so, but in case it does involve any other

agency or crosses any other ministerial responsibilities from another place, I am happy to say that I will refer those matters to the relevant minister in another place and bring back a response.

EXPORT INDUSTRY

The Hon. J.S. LEE (15:10): I seek leave to make a brief explanation before asking the Leader of the Government a question about South Australia's export industry.

Leave granted.

The Hon. J.S. LEE: The Premier announced on Monday 30 April 2012 the closure of seven out of eight government international trade offices when South Australia recorded the worst export figures in the nation, according to ABS statistics. The ABS shows South Australia as the only state that went backwards in the past six months, falling by 13 per cent and, additionally, the latest Access Economics report predicted that South Australia's exports would drop by 9 per cent in 2012. The Labor government previously committed to a target of $25 billion worth of exports by 2012, but it has now pushed this out until 2020.

I have been contacted by a number of chambers of commerce and exporters expressing concerns about the closing down of international trade offices by the South Australian government. They believe this move will have a negative impact on export sectors, especially agriculture, food, wine, fisheries and tourism. These industries rely on demand from the rest of the world, and the lack of a South Australian government presence can affect the way their products and services are promoted internationally. My questions to the Leader of the Government are:

1. As the Minister for Agriculture, Food and Fisheries, what strategies does the minister have to ensure that export markets for agriculture, food, wine and fisheries remain strong and viable for South Australia?

2. The tourism sector is one of the most important export revenue earners for our state as well. Can the Minister for Tourism outline what export strategies the government has to maintain an international presence and attract overseas tourists into the state?

3. Also, can the Leader of the Government outline the government's alternative plans to build the export sector for South Australia?

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) (15:13): I thank the honourable member for her most important questions. As usual, what we see from members of the opposition is them grasping desperately any bit of negativity that they can in relation to this state. We see the opposition grasp any skerrick of negativity, like a drowning person grasping a lifeboat. In fact, there are many very positive economic outlooks—

The Hon. R.I. Lucas interjecting:

The PRESIDENT: Order!

The Hon. G.E. GAGO: —for this state, and I will just take this brief opportunity to refer to them. For instance, the South Australian gross state product (GSP) growth was 2.4 per cent in 2010-11. This was the third highest of the states after WA (3.5 per cent) and Victoria, and higher than the national average of 2.1, so there is a very strong gross state product. Also, a strong farm year following good growing conditions boosted grain output in 2010-11 and contributed significantly to overall GSP growth, as did the return to normal production at Olympic Dam following the accident there involving the haulage shaft.

Export incomes in South Australia were at near record highs with growth in South Australia outperforming the national average, and this is confirmed by ABS data. In the 12 months to January 2012 the value of South Australia's overseas goods exports rose by 25 per cent on the previous 12 months in original terms—the highest growth rate amongst the states—to $11.9 billion. That is confirmed by ABS data.

Private new capital expenditure is also at high levels in South Australia, growing 3.6 per cent over the year to December quarter, despite a 1 per cent decline in the December quarter. BHP Billiton indenture legislation passed through parliament in November last year, and BHP Billiton has indicated that it may spend around $525 million of its approved precommitment capital in South Australia over the next six months, providing a further boost to these high levels.

The Olympic Dam expansion will provide a high boost to the state's economy by creating significant direct and indirect employment opportunities, as well as creating business opportunities

for suppliers, contractors and manufacturers. The state government's investment in critical infrastructure and transport projects has also boosted the construction sector—for example, investment in the new Royal Adelaide, the Adelaide Oval redevelopment, electrification of the rail network and the South Road Superway project.

There is $109 billion worth of major development projects underway or in the pipeline in South Australia. In trend terms, South Australian employment growth through the year to February 2012 was 0.5 per cent, or 4,100 additional jobs. Just because there is background noise, I do want to make sure Hansard gets this: since 2002—that is, when the previous Liberal government was in power—

Members interjecting:

The PRESIDENT: Order!

The Hon. G.E. GAGO: —employment in South Australia has grown by 129,500 in trend terms. As you can see, Mr President, there is plenty of good news there. It is most important that we as members of parliament talk up this state. It is critical that we talk up this state, that we show a level of confidence and assurance in our state and that we are able to profile the achievements and the benefits for people to move here, live here, work here, and invest here. That is what is in the interest of this state, not the whingeing, whining and carping that we see and the putting down. At any opportunity, we see the opposition try to put this state down and put it in the worst possible light. They should be ashamed of themselves.

GRAIN INDUSTRY

The Hon. CARMEL ZOLLO (15:18): I seek leave to make a brief explanation before asking the Minister for Agriculture, Food and Fisheries a question about the grains industry.

Leave granted.

The Hon. CARMEL ZOLLO: South Australia is known for its production of high quality grains.

Members interjecting:

The PRESIDENT: Order!

The Hon. CARMEL ZOLLO: What's going on? I couldn't hear him. South Australia is known for its production of high quality grains, in particular wheat and barley, but in recent times the industry representation has not matched the great successes of this important rural industry. Can the minister update the chamber on developments in the grain industry?

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) (15:18): I thank the honourable member for her most important question and her ongoing interest in these most important policy areas. Grains are, as the member has indicated, very important crops for South Australia, providing an estimated $4.6 billion to the state's economy in 2010-11, following a record harvest. Of course, not all crops are bumper crops, but the industry certainly has been a mainstay in South Australia for many years.

It was very disappointing that the important figures in this industry were unable to unite and solve their differences for the good of the industry. Members will recall that I announced on 15 December 2011 that I had been forced to intervene. I was reluctant to do so; however, it is important to protect the interests of grain growers so that they can gain value for the money they contribute for representation.

Under the Wheat Marketing Act 1989 a voluntary levy was collected and is required to be provided to the Grains Committee of SAFF. However, as both my predecessor (as the former minister for agriculture) and I were not satisfied that the moneys were being used for the purposes required, these residual funds have been withheld. Following consultation with the industry through both the South Australian Farmers Federation and Grain Producers South Australia, I announced that I would establish a new Primary Industries Fund (PIF) under the Primary Industries Funding Scheme Act 1998 for grains to replace the levy under the Wheat Marketing Act and that a new PIF would operate from 1 March 2012.

I can advise the chamber today that an independent consultant, Mr Neil Howells, has been appointed to develop the management plan for this new fund. Mr Howells was appointed on 4 May and has already commenced preliminary work. Mr Howells will be undertaking a wide consultation

with the industry, and I understand that he will be meeting with stakeholder organisations, including the South Australian Farmers Federation, Grain Producers SA and the Advisory Board of Agriculture, very shortly.

In addition, public meetings with grain growers will be arranged for Karoonda, Keith, Wudinna, Tumby Bay, Crystal Brook and Maitland in early June, and it is expected that this consultation process will result in a completed management plan being ready for release in August this year. The consultant has been asked to be flexible in the approaches seeking input from grain growers (we know that it is a busy time of the year) and to give every opportunity for grain growers to contribute. Growers who are not able to attend the regional meetings will be able to make submissions via an online survey through the PIRSA website. A five-year management plan will cover:

- the type of activities which may be funded;
- how the organisation may access the fund;
- how applications for projects will be assessed, which may be by committee;
- if by committee, how the committee will be formed;
- management of contingencies, including the grain grower refunds;
- reporting requirements for projects funded under the scheme; and
- the level and format of consultation the grain growers consider appropriate for the required annual revisions of the management plan.

The completed plan will be reviewed and updated annually by a consultative process to ensure that it continues to be relevant and to reflect the priorities of grain growers here in South Australia.

GRAFFITI ART WORKSHOPS

The Hon. D.G.E. HOOD (15:22): I seek leave to make a brief explanation before asking the Minister for Youth a question concerning graffiti art workshops at the Carclew Youth Arts Centre.

Leave granted.

The Hon. D.G.E. HOOD: The *Hills & Valley* Messenger dated today (15 May 2012) contains an article entitled 'Bike trails are on track', which details the additional police patrols that are needed in an effort to stem the extent of graffiti along the Hills railway line. The article said that five people have been charged and a further six reported since the patrols began in September last year. A further and separate article in the *City North* Messenger, also of today's date, says, and I quote:

> Budding street artists will be able to learn from the masters at graffiti workshops at Carclew Youth Arts Centre this month. Aspiring graffiti artists will be taught a range of aerosol art skills, including drawing portraits and writing calligraphy.

Does the Minister for Youth (or the Minister for the Arts, in fact, as it may be in this case) regard the organising, promotion and funding by the government of workshops on graffiti art, so called, consistent with, first, the government policy of increasing policing aimed at detecting, charging and prosecuting those who mark graffiti on public or privately owned property; and, secondly, the proposed government amendment in the Graffiti Control (Miscellaneous) Amendment Bill (which, indeed, we will be dealing with today, I understand), which is aimed at increasing penalties for graffiti offenders? If so, can the minister give this house an assurance—and, indeed, the public of South Australia an assurance—that it is being made very clear at these workshops where it is appropriate to use this form of art and where it is not?

The Hon. R.P. WORTLEY (Minister for Industrial Relations, Minister for State/Local Government Relations) (15:25): I thank the member for his very important question. I will refer that to the Minister for the Arts in another place and get an answer as soon as I can.

MYRTLE RUST

The Hon. J.S.L. DAWKINS (15:25): I seek leave to make a brief explanation before asking a question of the Minister for Agriculture, Food and Fisheries regarding myrtle rust.

Leave granted.

The Hon. J.S.L. DAWKINS: Last year the member for Hammond in another place sought information from the previous minister for agriculture about the threat of myrtle rust to South Australia. Since then the disease has spread extensively in New South Wales and into Queensland. It has the potential to devastate native forests which constitute 70 to 80 per cent of Australia's native trees, notably eucalypts, melaleucas and bottlebrushes. It can also affect logging and, indirectly, ecotourism.

It has been described by officers of the Nursery and Garden Industry Association of Australia as probably the biggest threat to Australia's ecosystem. I was interested to hear a brief speech by the member for Flynn in the House of Representatives on 19 March this year. Mr Ken O'Dowd MP spoke on this subject and I quote an excerpt from that speech:

> It was first detected in New South Wales in 2010 and is thought to have been spread up the east coast by a major plant retailer. Since the disease has hit Queensland, over 1,100 cases have been discovered, spanning some 19 different council shires. Biosecurity Queensland has listed this disease as being impossible to eradicate. It spreads on the wind, making any attempt to contain it almost futile. We know that myrtle rust will significantly impact threatened plant species and dependent native fauna such as koalas, gliders and insects.

What plan does the government have in place through Biosecurity SA to combat the spread of myrtle rust from the Eastern States into South Australia?

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for Tourism, Minister for the Status of Women) (15:27): I thank the honourable member for his most important question. Indeed, this is potentially a very damaging fungal infection. Myrtle rust is an introduced fungal disease that was first detected in New South Wales in 2010, as I am advised. The rust affects the plant family Myrtaceae. The disease is of concern because Myrtaceae is a dominant plant group in natural Australian ecosystems. The family of plants includes many common Australian native species and important commercial plantation timber species such as Australian blue gum.

In December 2010 following an extensive spread of myrtle rust into natural bushland in New South Wales, the National Management Group agreed that it was not technically possible to eradicate this disease. Myrtle rust is now widespread in New South Wales and Queensland coastal areas and has been found on 150 different host species. Last December the disease unfortunately was found in Victoria and has now been detected at 32 locations, mostly around metro Melbourne.

Myrtle rust is likely to spread to the extent of its biological range as the spores, as the honourable member mentioned, are readily transportable by air. The national Myrtle Rust Coordination Group is coordinating actions to assist the community, landowners and production industries to manage the impacts of the disease in urban, production and natural environments. The Australian government has provided $1.5 million to a national program to find solutions to manage myrtle rust.

In 2011-12 South Australia contributed to cost-sharing for myrtle rust as part of a national plant pest incursion response under the auspices of the national Emergency Plant Pest Response Deed. Overall, South Australia's climatic environment is less suited to myrtle rust than that of the Eastern States. The potential economic and biological impact of the disease on South Australian industries and natural ecosystems is likely to be lower. The areas of Australia most at risk are the higher rainfall coastal areas. That is what I have been advised.

Within South Australia the areas more at risk are the higher rainfall coastal areas. South Australian industries that could be impacted by myrtle rust are the nursery and garden industry, blue gum plantation forests and apiarists. To reduce the risk of myrtle rust entering South Australia, regulated conditions of entry for plant material of the family Myrtaceae from jurisdictions with myrtle rust have been established. To ensure a coordinated response for the management of myrtle rust, a myrtle rust contingency plan has been prepared by PIRSA and the Department of Environment and Natural Resources, with input from industry stakeholders.

Ongoing surveillance of plant nurseries and native vegetation has not detected the disease within South Australia. So, that is good news. The Nursery and Garden Industry Association of South Australia has undertaken an extensive communications program with its members, informing them of the risks of myrtle rust, what to look for and what to do if they see anything unusual.

ANSWERS TO QUESTIONS

EATING DISORDER UNIT

In reply to the **Hon. R.I. LUCAS** (9 February 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): The Minister for Mental Health and Substance Abuse has been advised:

Changes in the configuration of beds in mental health, including changes to Ward 4G, are in response to the recommendations in the report Stepping Up: A Social Inclusion Action Plan for Mental Health Reform 2007-12. The recommendations in the report involved a shift in the emphasis from acute care beds to a stepped system of care, comprising community care and support, 24-hour supported accommodation, community rehabilitation centres, intermediate care, acute care and secure care to allow people to 'step up' to more intensive health care if they are becoming unwell and 'step down' to other support services as they get better.

The changes in the mix of acute and sub-acute beds in mental health results in no budget savings to SA Health.

BUILDER LICENSING

In reply to the **Hon. J.M.A. LENSINK** (7 June 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): The Minister for Business Services and Consumers has been advised:

1. 644 licenses were cancelled/lapsed in the 2009-10 financial year.

2. Should any correspondence or notice be returned to Consumer and Business Services (CBS) (formerly known as OCBA), specifically Business and Occupational Services (BOS) as 'Return to Sender' (RTS);

The licensee's details are checked firstly on the Occupational Licensing System (OLS) database and secondly on any other documentation at hand (e.g. assisted application, data entry) for a secondary address.

If a secondary address is located, a note is entered on OLS recording the RTS and the type of documentation involved. The documentation is then forwarded to the secondary address.

If no secondary address is found, a note is entered on OLS recording the RTS and the type of documentation involved and the documentation is destroyed. Should the documentation be original documentation such as a qualification or licence/registration card, it is not destroyed but filed appropriately and recorded on OLS.

Note: An address will not be changed on OLS until such information is advised in writing by the licensees.

3. In 2003 OCBA developed a policy outlining the requirements applicants must meet in order to show 'sufficient business knowledge and experience' (Building Work Contractors Act 1995), this has been adapted to reflect current national training standards. CBS's current Business Qualifications were last updated 1 October 2010.

It is important to note that CBS has a '12 month' policy that allows a person that held an equivalent licence or registration within 12 months, to re-apply without the need to meet the latest qualification requirements.

I am advised that other than this '12 month' policy, the Building Work Contractors Act 1995 does not provide an avenue to re-establish a licence/registration once it has been cancelled/surrendered. This must be achieved by making a new application.

If CBS re-instated a licence/registration when the cancellation/surrender was completed in error, there would be no requirement for training. CBS will re-instate a licence/registration when the cancellation/surrender was completed in error.

4. CBS has an approved qualification where licences cancelled for less than twelve months can be re-applied for without providing evidence of meeting the Business Qualification test, if applying for the same conditions.

The Commissioner has the authority to be flexible with approved qualifications. However, the applicant's circumstances must be considered extraordinary or outside what is allowed by legislation.

BUILDER LICENSING

In reply to the **Hon. J.M.A. LENSINK** (7 June 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): The Minister for Business Services and Consumers has been advised:

The Commissioners focus is primarily consumer protection, ensuring that applicants are aware of current business standards is a way to ensure this. It is important to note that the Business Qualifications are not additional training, however, they have been updated to meet current business standards and if an applicant is reapplying for a Building Contractors licence they must satisfy the Commissioners current criteria.

MULLIGHAN INQUIRY RECOMMENDATIONS

In reply to the **Hon. T.J. STEPHENS** (18 October 2011) (First Session).

The Hon. I.K. HUNTER (Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers): The Minister for Education and Child Development has been advised:

The Government has a strong commitment to child protection and has accepted or partially accepted 45 of the 46 recommendations made by the Children on APY Lands Mullighan Inquiry report. There are complex issues surrounding the prevalence and prevention of child abuse on the APY Lands and, as explained in previous reports to Parliament, many of the recommendations require long term responses.

The Government remains strongly committed to implementing its response to the remaining recommendations and as required by the *Commission of Inquiry (Children in State Care and Children on APY Lands) Act 2004*, will continue to report to Parliament about progress towards implementation on a yearly basis.

The Third Annual Progress Report was tabled in Parliament on 24 November 2011. A fourth annual progress report will be tabled in Parliament before the end of the year.

IFOULD STREET HOUSING DEVELOPMENT

In reply to the **Hon. T.A. FRANKS** (23 November 2011) (First Session).

The Hon. I.K. HUNTER (Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers): I have been advised:

After receiving your question on Wednesday 23 November 2011, I wrote to the Adelaide City Council (ACC) requesting information to clarify the arrangements for recycling of general and other waste in multi-store apartment buildings within the CBD.

In February 2012, the caretaker of the Ifould apartments which is partly owned by Housing SA, received a telephone call requesting arrangements to be made so that recycling bins could be delivered to the complex. These bins are now available for use by the residents of Ifould apartments and are collected by the ACC on a fortnightly basis.

Housing SA will approach the ACC in the coming months to provide similar services to the UNO apartments in Waymouth Street, which are due to be tenanted towards June and July of this year.

FISHERMAN BAY SHACKS

In reply to the **Hon. J.A. DARLEY** (15 February 2012).

The Hon. I.K. HUNTER (Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers): The Minister for Sustainability, Environment and Conservation has been advised:

1. As indicated to the Honourable Member during his recent meeting with the Minister for Sustainability, Environment and Conservation, sections 65 and 66 of the *Crown Land Management Act 2009* do not apply to rents for leases entered into prior to the introduction of the Act.

2. Furthermore, as the Minister for Sustainability, Environment and Conservation has previously indicated to the Honourable Member, lessees will continue to be notified of their rights under the terms and conditions of their leases.

MURRAY RIVER FERRIES

In reply to the **Hon. J.S.L. DAWKINS** (16 February 2012).

The Hon. I.K. HUNTER (Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers): The Minister for Transport and Infrastructure has been advised:

Police officers and the Department of Planning, Transport and Infrastructure (DPTI) authorised officers have the power to issue an expiation notice. These officers use their discretion to assess each situation individually in terms of the safety of ferry users and DPTI ferry operators.

APY LANDS

In reply to the **Hon. T.A. FRANKS** (16 February 2012).

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

1. Under the National Partnership Agreement on Remote Indigenous Housing, Housing SA has developed and implemented a new housing management model. This model includes the introduction of an Aboriginal Communities Interim Rent Policy. The Interim Rent Policy has a focus on simplicity to encourage a transition of rent payment by all adult members of the community.

Rent is calculated on the main source of assessable gross income of each adult tenant. Where the tenant does not have access to income, the rent assessment will be based upon the minimum rate of the equivalent Centrelink payment for which the person would be eligible as appropriate to their age and circumstances. Housing SA will assist in securing the relevant income with that person in consultation with Centrelink.

Housing SA has been collecting rent from these communities set at $20.00 per week per adult tenant. The $20.00 per week flat rate is for transitional purposes from a community housing model of tenancy management to the new housing management model for Aboriginal communities.

To encourage workforce participation in remote communities the Interim Rent Policy sought to address any workforce disincentives by deeming the income for those employed in non-Community Development and Employment Project (CDEP) positions at the equivalent of a Centrelink income.

This accounted for the fluctuating employment opportunities in remote communities and is aligned with the agreed policy drivers between the Commonwealth and State Governments.

The rent anomaly became apparent upon the transitioning from a flat rate to a percentage of income. The anomaly exists for persons employed in non-CDEP positions. With rent set at 15% of income, persons employed in non-CDEP positions are being assessed at the equivalent Centrelink benefit which will be less than 15% of actual income.

Housing SA records indicate that this is a small impact due to limited and often fluctuating employment opportunities. The Aboriginal Communities Interim Rent Policy is aimed at encouraging workforce participation within Aboriginal Communities.

2. The Aboriginal Communities Interim Rent Policy is currently being reviewed by Housing SA and the anomaly in rent charges will be addressed through this review. The review will be available for consultation in June 2012 and implemented as soon as practical.

DRUG PARAPHERNALIA

In reply to the **Hon. A. BRESSINGTON** (29 February 2012).

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 Attorney-General has provided the following information:

I am aware of the Honourable Member's concerns and as a consequence I am seeking advice on whether the legislation needs to be tightened.

SA WATER

In reply to the **Hon. J.A. DARLEY** (1 March 2012).

The Hon. I.K. HUNTER (Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers): The Minister for Water and The River Murray has been advised:

1. The Adelaide Services Alliance contract allows for monthly invoices to be submitted by Allwater and paid within 30 days of receipt by SA Water.

The $1.129 billion figure is not a contractual amount, it is SA Water's internal estimate of the total cost of the contract over its ten year life and includes allowances for escalation, contingencies, expected scope changes and potential pain/gain payments.

2. As at 9 March 2012, none of the payments made by SA Water to Allwater have been late.

3. There is no penalty in the contract for late payment by SA Water.

4. & 5. There is no direct provision in the contract for SA Water to become involved should Allwater be late in paying its subcontractors. However, there are strong disincentives for under performance which could result from subcontractors withdrawing their services. Subcontractors are protected from non-payment by Allwater's parent companies Transfield Services and Suez Environment holding cross guarantees with each other ensuring Allwater's financial viability. Allwater does acknowledge that at the beginning of the contract there were complications with scheduled payments whilst the bank account was set up for electronic payments. This was resolved in October 2011 and since then in most instances subcontractors have been paid within the agreed payment terms. Incidences where payments have been late can generally be traced to invoicing date errors, incorrect addressing or IT system issues. The numbers affected have been small, with delays typically only one to two weeks.

6. Allwater's standard payment terms are 30 days from the end of the month. There are a few exceptions involving large payments where the payment terms are shorter, e.g. for chemicals, where there is an Electronic Funds Transfer payment run made once a week.

DISABILITY SERVICES

In reply to the **Hon. J.M.A. LENSINK** (1 March 2012).

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

1. The estimated costs of privately purchased equipment owned by clients as at November 2010 was $142,235.

2. No.

WATER FLUORIDATION

In reply to the **Hon. A. BRESSINGTON** (23 March 2012).

The Hon. I.K. HUNTER (Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers): The Minister for Water and the River Murray has been advised:

1. Fluoride levels dosed into drinking water are monitored by continuous on-line measurement. Fluoride is also monitored by a weekly grab sample at the outlets of water treatment plants. For Metropolitan Adelaide, three composite samples are analysed for fluoride each week.

2. The Drinking Water Quality Annual Report, released each year, summarises the minimum, maximum and average fluoride levels across all drinking water supplies, including natural and dosed fluoride levels. Notification to the Department of Health and Ageing is made when the fluoride level exceeds the Australian Drinking Water Guidelines (ADWG, 2011) health guideline of 1.5 mg/L. No public notification is required below 1.5 mg/L as this is not considered an

issue for public health. Over the last five years, no customer taps have recorded a fluoride level in exceedence of 1.5 mg/L in any of SA Water's drinking water supplies where fluoride is dosed.

3. Fluoride dosing systems are monitored continuously online, with low and high fluoride doses resulting in alarms and automatic shutdown of water treatment plant facilities. As a further precaution, daily dosing tanks are used where fluoride is decanted to a daily dosing tank prior to dosing the drinking water supply. Weekly verification samples are also sent to a National Association of Testing Authorities (NATA) accredited laboratory to assess fluoride levels in the distribution system.

4. Allwater, has several key performance indicators related to fluoride over and under dosing, which can result in penalties and fines. Any dose above 1.5 mg/L requires immediate notification to the Department of Health and Ageing.

5. Fluoride monitoring is reviewed every year in line with the Department of Health and Ageing document 'Water/Wastewater Incident Notification and Communication Protocol'. The current monitoring systems in place across SA Water are considered industry best practice.

ADELAIDE FESTIVALS

In reply to the **Hon. T.A. FRANKS** (29 March 2012).

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 the Arts has been advised:

1. Of the total 6,532 performances or sessions held during the 2012 Fringe, 237 were cancelled.

The Fringe is unable to provide the numbers of tickets that remained unsold. While the Fringe has accurate figures of ticket sales through FringeTIX and other ticketing partners, it does not receive full figures on tickets sold as door sales by venues and artists and therefore has no mechanism to determine the number of unsold tickets.

SUPPLY BILL 2012

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) (15:31): I move:

That this bill be now read a second time.

The government will introduce the 2012-13 budget on 31 May 2012. A Supply Bill will be necessary for the first three months of the 2012-13 financial year until the budget has passed through the parliamentary stages and the Appropriation Bill receives assent. In the absence of special arrangements in the form of the supply acts, there would be no parliamentary authority for expenditure between the commencement of the new financial year and the date on which assent is given to the main Appropriation Bill. The amount being sought under this bill is $3.161 billion. I seek leave to have the explanation of clauses inserted in *Hansard* without my reading it.

Leave granted.

Clause 1 is formal.

Clause 2 provides relevant definitions.

Clause 3 provides for the appropriation of up to $3.161 billion.

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

LOCAL GOVERNMENT (SUPERANNUATION SCHEME) (MERGER) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 3 May 2012.)

The Hon. R.I. LUCAS (15:32): I rise to speak to the second reading of the Local Government (Superannuation Scheme) (Merger) Amendment Bill. There was a relatively brief debate on this in the House of Assembly and that is essentially because, on the evidence available to the opposition at this stage, there has been no individual, group of individuals or stakeholder who has provided any evidence as to why the legislation should not be supported.

Put simply, the bill seeks to provide the framework for which a local government superannuation scheme and an industry super scheme can be merged, and that industry scheme is Statewide Super. As we understand it, that would lead to (in approximate terms) a virtual doubling of the size of the funds under management for the merged superannuation scheme. Local super would appear to have about $1.6 billion to $1.7 billion of funds under management. We understand that a merged entity may well have over $4 billion in funds under management and 160,000 members.

One of a number of questions I put to the government that we can further explore, if necessary, during the committee stages, is if the government can provide either confirmation of that information or, if that is not correct, provide for the chamber what the parameters of a merged scheme would be, in terms of funds under management and the total number of members that would be included in the merged scheme.

The claim is made by those supporting the merged scheme that, in essence, it is a response to federal government initiatives, and the Cooper review and others have led to settings in terms of superannuation management where the view is that bigger and merged superannuation schemes and funds are the way to go in terms of providing greater security and, obviously, hopefully, better returns for members of those schemes.

Certainly the government and the proponents of this, as I understand it, are claiming what they believe to be significantly increased investment capabilities and a reduction in investment management costs, resulting in higher investment returns for members. For the benefit of members—and there was a relatively limited debate in the House of Assembly—I seek from the government and those who propose this scheme an indication of the relative industry performance, both Local Super and Statewide Super, that is, in terms of its investment performance certainly the government and I know its advisers are well versed in providing information in relation to the government superannuation scheme in terms of its investment performance.

There are measures available in the superannuation industry which compare the performance of a fund or scheme on a one-year, three-year and five-year basis in terms of their investment performance, and certainly, as one member of the committee, one member of this chamber but speaking on behalf of my party, I am interested in seeing what the performance of Local Super has been on that sort of measure in terms of industry measure, but equally of Statewide Super.

We are being asked as a parliament to endorse this, and I think it is important that we are aware of what has been the relative performance and we are able, as a chamber, to monitor, if this legislation goes through and the merger goes through (and I will address some comments to that in a moment), over a period of time, on behalf of members, the relative performance of the new merged scheme, compared with the performance of, in particular, Local Super.

The member for Goyder, in acknowledging his own personal interest as a member of Local Super, given his previous employment in local government, was quite praising of the investment performance and governance arrangements of Local Super. I hasten to say that there is nothing in his speech where he criticises the investment performance of Statewide Super or what might be the performance of the merged scheme at all. I am the one raising the questions in relation to these particular issues.

I repeat that it is important, as we are asked to tick off on these arrangements, that we are in a position to be able to monitor the performance, and over a period of time members will be able to look back on the performance of the merged scheme (and clearly it will not be called Local Super or Statewide Super but called something else, we would imagine), but we are able to look at its investment performance and compare it with the investment performance of Local Super and Statewide Super before that.

I am also interested in having placed on the public record some measure of the management costs of both Local Super and Statewide Super, because again one of the claims being made in relation to this merger as a benefit is that there will be a reduction in investment management costs, which will result in higher investment returns for members. That is what is being held out as the carrot for members of Local Super in particular, to say 'Hey, you should support this merger.'

I acknowledge that, as I understand it, all individual councils are supporting this change; certainly, the LGA is urging support for the change. However in my view, and with the greatest respect to the LGA and to individual councils, they are not in a position to independently make a

judgement on the investment performance of the funds. They would be relying on information provided to them, and the claims being made by those proposing the merger, in relation to the benefits will come from such merger.

It is important that those of us in this parliament who are being asked to tick off on this and approve it are provided with information on investment management costs and administration fees that currently exist within Local Super and StatewideSuper, as well as what the proponents of the scheme see as the annual administrative savings that might be achievable if the scheme were merged. That is the claim, that there will be savings, and we need to be aware of them. Rather than the warm and woolly words of the second reading, that there will be lower costs and that this will lead to higher investment returns, let us put something on the table so that we can actually see what is being claimed and so that over the coming years we can measure performance against those claims.

I think it is important that this parliament does not just sign off on something without being aware of what the claims might be that are being made by the proponents of the merger. As a state parliament, we are charged with the responsibility of protecting the interests of those who currently invest in Local Super; that is a product of the history of the arrangements between local government and state government in this nation and therefore, of course, in South Australia. We are not actively engaged in the administration or performance of the Local Super scheme, we acknowledge that, but we are nevertheless being asked to vote on this merger, and we should do so armed with the detail of the claims of what the benefits will be so that over a period of time we can make some judgements.

If we are not given that information, in three years' time or five years' time those in this chamber who have an interest in representing employees within local government will start asking, 'Why did we ever do this? We think the performance of the old Local Super was actually better than the merged scheme. Are we in a position to make these sorts of judgements?' As members of parliament we should be in position to say, 'Okay; this is the information we were given and on this basis the state parliament in 2012 approved the proposed merger and supported this particular legislation.' I am seeking that sort of information prior to our having the debate in the committee stage of the bill.

I want to refer to a story in the *Financial Review* as recently as 9 May, just last week. The article is entitled, 'Mistrust undermines super funds merger'. This refers to a proposed $10 billion merger between two industry super funds, which we are told has been three years in the making and which, according to this story, could collapse because of last minute concerns about corporate governance and risk levels. The particular point of interest in this is that this lack of trust is between the directors of Vision Super and Equipsuper, which we are told jointly cater to 150,000 local government and electricity workers in Victoria.

What is occurring in Victoria is a much bigger merger; it is taking it up, evidently, to $10 billion. The one here, we are told, is evidently around about $4 billion. What is being proposed in Victoria is, on this article's reading anyway, a merger between their version of local super and their version of the superannuation arrangements for electricity workers of Victoria, called Equipsuper, and the date proposed for the merger is 1 July. As I have said, there have been three years of negotiations going on.

I note that the Equipsuper Chief Executive, Danielle Press, is quoted as saying that she is confident they will still get there. She said, 'I don't think it is a certainty. There is certainly a chance politics plays a hand.' In that case, Ms Press—again, similar to the proponents of the merger here, but they actually provide some detail—predicted that any delay to the proposed merger would cost fund members between $300,000 and $400,000 a month at least because of higher operational expenses. Clearly, the claim in Victoria is that the merger is going to lead to savings of between $300,000 and $400,000 a month, or somewhere between $3½ million and $5 million a year in lower operational expenses.

Clearly, if that is the case, one would hope that most, if not all, of those savings would flow through in terms of higher investment returns for members of the merged entity. If indeed that is the case, that would be of benefit, all other things being equal—let me put that proviso in there—to members of the merged scheme. In the Victorian case, we are aware of what the claimed savings will be. That is why it is important that we know what the proponents of this merger are claiming will be the potential savings as a result of merging the two schemes.

If the proponents come back and say, 'We don't know what the savings will be,' that would undermine completely their claimed benefits from this scheme. So, I cannot imagine they would be foolish enough to come and say, 'We've got no idea.' But if they were to come back and say that the savings would be only $20,000 or $50,000 a month or something, clearly, in the scheme of things, they are not anywhere near as significant as the sort of savings that are being mooted in the merger of the local super scheme in Victoria. The article in the *Financial Review* talking about the potential stumbling block in relation to the merger there says:

> The latest stumbling block highlights the often fraught process of merging industry retirement schemes which lack outspoken shareholders and where it is possible for trustees representing employer groups and unions to vote in a bloc.

I think that is important, because often in these superannuation funds, as this article points out, you do not have outspoken shareholders or advocates. That might be because it is a wonderful thing and everyone is going to benefit and everyone is in agreement. But it is also possible that, as in many cases, there is no-one actively engaged in looking at the detail of the proposal, other than the trustees or the board members and those who are advocating the change, and that any potential dissidents or opponents are not fully armed with the information that would assist them in questioning the proposed merger.

All that you receive are the claims from the board and the trustees which outline the benefits which, on the surface of it, will sound attractive. I hasten to say that it may well be that it is attractive. I am not challenging the fact. I have no detailed information in relation to this, other than discussions with various people and seeing one of the potential problems in an equivalent merger just across the border in Victoria to say, 'Well, at least some of this information should be placed on the record.' This article in the *Financial Review* goes on to say:

> It is the second time the planned tie-up between two of the oldest super funds in Victoria has teetered. The merger nearly fell apart a year ago when three Vision Super trustees refused to sign the first of the official documents after allegations that due process had not been followed. It is understood trustees of Vision Super are now concerned about Equipsuper's $1.8 billion pool of defined benefit schemes. Defined benefit schemes remove investment risk from members by promising to pay a certain level of retirement benefits according to a saver's salary and length of service.

I interpose here a question. I am assuming that in relation to Local Super there will be some elements of defined benefit arrangements for some of the older employees within Local Super. I do not know whether or not that is the case. I ask the government and its advisers to indicate whether or not amongst Local Super members, there are those within defined benefit schemes that might have been closed off.

If that is the case, what are the number of members or employees within Local Super who are covered by defined benefit schemes? As this article says, defined benefit schemes remove investment risk from members by promising to pay a certain level of benefits according to a saver's salary and length of service. The article goes on to say:

> Equipsuper operates nearly 50 defined benefit schemes, of which about 40 are guaranteed by private companies rather than the government or public bodies. Although under super legislation, there would be no requirement for Equipsuper, or the enlarged fund, to pay out the benefits for a defined benefit scheme if one of the companies collapsed with unfunded liabilities, Vision Super trustees have raised the potential for brand damage if the fund refused to make up any shortfall.

What is being flagged in Victoria in relation to this merger and one of the concerns—and let's be quite clear here—is that there is no requirement for the merged fund or the enlarged fund to pay out the benefits for a defined benefit scheme if one of the companies collapsed with unfunded liabilities. If that is the case, that is certainly contrary, I would assume, to most members' expectation of being a member of a defined benefit scheme in Victoria. The comfort that they have is that, as a member of a defined benefit scheme, they are going to get their retirement benefits and the investment risk has been removed from them as an employee.

Again, this is the Victorian case, and I am just asking the question in relation to this merger: does that description (clearly by people within the two companies in Victoria who are talking to the *Financial Review* journalist) apply in relation to this? Are there circumstances where, with the merged fund, there is no requirement to pay out the benefits for defined benefit schemes if one of the companies collapses with unfunded liabilities?

It may well be the case that this is of no relevance to the merger we have before us but, again, because members in this chamber do not have the detail, we need to ask the questions. I note, to be fair to the Chief Executive of Equipsuper, Danielle Press, that she is quoted as saying:

Ms Press dismissed the concern as a 'red herring'. She said there might be a 'small reputational' issue if the enlarged fund refused to make up any shortfall in benefits, but added: 'I would have thought the reputational issue was more at the company level.'

She seems, by way of that quote, to at least indicate that, if there is a circumstance where the merged fund might refuse to make up a shortfall in benefits, she is not denying that that is a potential risk in certain circumstances, but she is arguing as to where the reputational risk might reside. She thinks it would reside more, as she says, at the company level rather than for the merged fund.

Ms Press's comments were backed by a leading industry consultant (unnamed), who pointed out that APRA (Australian Prudential Regulation Authority) monitors defined benefits schemes' funding positions extremely closely. I think, to be fair, that some industry observers would agree with that, but I am sure there would be just as many industry observers who would take a different view in relation to the activity of APRA in relation to that particular issue; but I put that to the side.

There are also some merger-specific issues in relation to potential conflict of interest provisions in relation to both of those schemes and the involvement of an individual. Interestingly, in relation to an investment in Flinders Ports, which is the owner and operator of seven commercial ports in South Australia, on the knowledge that I have, that has nothing to do with the proposed merger in South Australia. I do not propose to place those aspects of the *Financial Review* article on the public record.

With that, I indicate that, as I said, the Liberal Party's position has been, on the basis of the evidence given to us, that no one as yet has mounted any case or evidence as to why the merger should be opposed. We are supporting the legislation, but what we are saying at this stage is that we are prepared to see the second reading go through—today if need be—but that we are intent on delaying the committee stages until we can receive information from the government, its advisers and in particular, through its advisers, the proponents of this merger.

In relation to Local Super it is clear who the proponents are, but in relation to Statewide Super the proponents, as I understand it, are Business SA and SA Unions, or some equivalent bodies representing unions and business in South Australia. My understanding is that those proponents have put the position to the government and its advisers, and that the government has seen this evidence and on the basis of the evidence is convinced that there will be benefit to members from a merged entity.

We believe this parliament and this chamber should be armed and equipped with that same information in relation to the investment performance in particular of the two funds at the moment and the performance in relation to management costs of both the funds and what the claimed benefits and savings will be from a merged entity which we are assured will flow on to members of any merged fund.

The Hon. A. BRESSINGTON (15:58): I rise to indicate my support for the Local Government (Superannuation Scheme) (Merger) Amendment Bill. Given the brevity of the bill, I shall also be brief. Essentially, the bill proposes to amend subclause (2)(ii) of schedule 1 of the Local Government Superannuation Scheme Amendment Act 2008 to enable Local Super to merge with another superannuation scheme. This follows the Cooper Review encouraging schemes to pursue merger and acquisition opportunities, to impart reduced administrative and other cost burdens duplicated across funds.

As other members have noted, I am pleased that that the bill expressly provides that the rights and benefits of existing members of Local Super must be maintained in any merger that occurs. It is obviously important that members' entitlements are not compromised in the pursuit of reducing costs.

I have met with the Chief Executive of Local Super, Mr Nic Szuster, who provided me with the background to the local government superannuation scheme bill and the intention to merger with StatewideSuper and the benefits this will bring, in particular to the lower-cost structure to the funds' memberships, and, of course, the necessity of this bill, and for this I thank him. Having no concerns raised with me, the bill has my support.

The Hon. R.P. WORTLEY (Minister for Industrial Relations, Minister for State/Local Government Relations) (16:00): This bill has gone through the lower house with the support of all parties. It was done in a bipartisan/all parties' position. A number of questions were asked by Mr Griffiths, the answers to which I have here. In his contribution, Mr Goldsworthy said:

It is certainly our intention to support the legislation, I think that is fairly clear from my remarks. I understand the member for Goyder wants to make a contribution and we will go into committee for period of time. However, as I have stated, the opposition is happy to support the bill.

A number of questions have been asked by the Hon. Mr Lucas. First, he asked about the investment performance. I must say that if the Hon. Mr Lucas was that concerned about the investment performance he only had to go to the website of both supers and I am sure that they would tell him the performance over one, three, maybe even 10 years; so why we have to hold up a bill, which no-one opposes, is just beyond me.

With respect to management costs, it does not take someone to be a Rhodes scholar to know that if you have two schemes merging that there will savings on management costs. The more they have to invest for the investment managers, the cheaper the costs. Synergies realised over a period of time all naturally take a part in reducing the management costs. Both schemes have trustees—they would be employers and unions—and both of them look after the interests of their particular members.

I am sure that, if there were any problems with any of the provisions regarding salary sacrifice, or whatever, those members would have sorted them out before it got to this stage. To have the honourable member opposite read a paper about a merger with respect to Equipsuper in Victoria and then try to relate it to something here, I think, is just a tactic to obstruct to a certain extent this bill going through parliament. What I would seek—

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

The Hon. R.P. WORTLEY: Thank you. That was about the most productive contribution you have had in this parliament for quite a while, the Hon. Mr Dawkins.

The PRESIDENT: The honourable minister should stick to the bill.

The Hon. R.P. WORTLEY: I will be seeking to have this bill go into committee. There is a line: it needs to be done by the end of June. I think that it is important that we debate the bill now, taking into consideration that everyone seems to support the bill. There are trustees who look after the interests of their members, and these trustees represent the interests of businesses and unions. Everyone seems to be in favour of this bill. It is a good move forward for the two funds. I think that their expectation would be to pass this bill today.

Bill read a second time.

In committee.

Clause 1.

The CHAIR: The minister indicated he had some answers to questions.

The Hon. R.P. WORTLEY: Yes, Mr Steven Griffiths MP (member for Goyder) asked a couple of questions, and I have the answers here. The first question was: how many members will be on the new amalgamated board of trustees? The answer is: it will comprise 11 trustees. All of the six local super directors will be on the new board. The chair of the new board will be the local super chair, Juliet Brown.

The second question: as a consequence of the proposed merger, is there going to be staff lost from the administration point of view or will staff be fitted into roles within the new group? The answer is that the local super group has advised that there will be no redundancies as a consequence of the new merger. The third question: is there any intention to review the management costs as part of the merger? The response: local super has advised me that the costs of the business are under constant review. The due diligence of the merger identified savings for both funds.

The Hon. R.I. LUCAS: As I had indicated, I am seeking answers to questions. The minister would appear to be indicating that he is refusing to provide those answers, so the opposition would need to pursue that with the chief executive officer and others who have briefed the opposition independently of the minister, if that is going to be the minister's approach to the committee stage. I think that is unfortunate.

The opposition asked some questions in the House of Assembly; two weeks later those answers have just been provided to the house. What the minister is essentially saying is that the members of this chamber cannot ask questions and have answers provided, unlike the House of Assembly. The government has indicated that this was a priority for this week, not for today.

Ultimately that is a decision for this chamber. So, on that basis, if the minister is refusing to provide the answers, as one member of this chamber I will need to seek that information from individuals within the scheme and place it on the record during the committee stage of the debate when we debate it later in the week. If the chamber agrees, I move:

That the committee report progress.

The committee divided on the motion:

AYES (13)

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

NOES (7)

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

Majority of 6 for the ayes.

Motion thus carried.

Progress reported; committee to sit again.

PARLIAMENTARY REMUNERATION (BASIC SALARY) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 2 May 2012.)

The Hon. R.I. LUCAS (16:13): In summary, this bill is relatively simple in terms of what it seeks to do. Under the previous salary arrangements that applied for South Australian members of parliament, which applied up until late last year, there had been a nexus established between state and federal members of parliament that state members would be paid $2,000 less than federal members of parliament. I will offer some comments in a moment, but there have been critics of that sort of arrangement for South Australian members of parliament in terms of salary. As I have said before, and I will say again today, in my time in this parliament I have seen a number of different models and none of the models are ever supported by most members of the community, most media commentators, and others.

We have seen over the years various models that include not only this nexus arrangement, which linked us with federal parliamentarians—and which actually linked to the pay of federal public servants, so that was the nexus established at the federal level—but also arrangements which relate to a supposedly independent remuneration tribunal decision, which relates to the salary and benefits of members of parliament. We have also seen various other schemes that have been tried in other jurisdictions in relation to linking to averages, linking to increases that public servants might get in terms of their salary increases and others.

However, I say without any fear of contradiction, irrespective of the model, there has not been one model that has been accepted by those critics of what members of parliament are paid. If you move to a nexus model people criticise that and say that you should have an independent tribunal. If you have an independent tribunal that says that on a work value case members of parliament should be paid $50,000 a year more, there is uproar in the community and people say that we need to move to a different model from an independent remuneration tribunal.

I suspect that those of you who are much younger than I am in terms of serving in this state parliament—and we will see longer periods of service ahead—when you end your parliamentary service, whether it be in 10, 20 or 30 years' time, will be reporting exactly the same; that is, there is no particular model that is successful. I note in the comments by the Treasurer, Mr Snelling, when he spoke on the bill in another place, that he said:

> We are calling for wage restraint, and I will certainly be calling for wage restraint at budget time amongst public sector workers. I think now would not be a good time for there to be a significant pay rise for members of parliament.

There is never a good time for a significant pay increase for members of parliament. I have been in the parliament for almost 30 years, and for every one of those almost 30 years it has never be a good time for a pay increase for members of parliament. For those who may be in the parliament for the next 20 years, I assure you that there will never be a good time for a pay increase for members of parliament: that is just the brutal reality.

The inference in the statement from the Treasurer that now is not a good time is that at sometime in the future there will be a good time. I assure the Treasurer and all members in this chamber that there will never be a good time for a salary increase for members of parliament. That is just a statement of fact.

The only way it will ever occur will be when a government of some persuasion and an alternative government of clearly a different persuasion hold hands and accept the criticisms of independent and minor party members, if they exist at the time, accept the criticism of the media, accept the criticism of the broader community, and say, 'We believe that members of parliament have an important job and should be remunerated accordingly.'

Through my period in government (and this is no criticism of this current Labor government), whether it is Labor government or Liberal government, or Labor opposition or Liberal opposition, whether it is Greens now, No Pokies a few years ago, or whether it was Democrats back in the 1980s, there have been for the last 25 years Independent or minor party members who, given the political capacity to generate support in the community for opposing a salary increase, will see political advantage in so doing. Going back to my contribution in November last year, I finished by saying:

> I think there would have been (and there have been) alternative ways of handling this process better but, as I indicated earlier, we are where we are and, given the circumstances, I do not believe that there is any alternative other than to delay the time for this inevitable decision. But in essence what it means is that a lot of work now will have to be done in terms of managing a decision. I am fearful, in part, that this will be left until the death knell and we will come close to the end of June next year and people will still be fluffing around trying to make a decision on this issue. What is going to be needed is some determination to make a decision, some strength to make a decision, and then ultimately some strength to stand up and defend whatever decision ultimately is taken on this difficult issue.

We have seen none of that. What we are seeing is, as has been indicated in the explanation for the bill, an acceptance that instead of having a nexus of some $2,000 less than federal members of parliament this nexus will now be just over $40,000 less than federal members of parliament.

With the greatest of respect to my federal colleagues, who I love dearly—and I am sure the leader of the Greens in this chamber will say, even more so, that he loves dearly his federal colleagues; of course, he has the advantage that the person he loves dearly is actually—

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

The Hon. R.I. LUCAS: Russell used to say it. But the people that the Hon. Mr Parnell loves dearly are actually now receiving that benefit of an extra $40,000 a year because of the changes that have occurred in the federal parliament. However, as I said, and with the greatest respect in the world for our federal parliament, how can anyone justify to me that the amount of work and activity that a federal member of parliament does relative to a state member of parliament is, in work value terms, worth $40,000 a year more?

It is just a nonsense claim. I am sure our federal colleagues might choose to disagree with that, but I am also sure that I speak on behalf of most, if not all, state members of parliament when I indicate that that is certainly not the case; it never has been the case, it is not the case now, and it will never be the case that it could be argued that in work value terms they should be remunerated at a level of $40,000 more than state members.

Of course, that will raise some issues in terms of attracting talent. I have been notably critical of the talent attracted to the government in terms of the dregs of society from unions and other leftovers that inhabit the benches in both this and the other chamber. One only has to see the quality of the front bench in this chamber to know that the Australian Labor Party and its factions have been dragging the bottom of the barrel in terms not only of attracting people into the caucus but also who is available to end up on the front bench.

With due respect to the Hon. Ms Gago and the Hon. Mr Wortley, in any other era the fact that they would qualify to be ministers of the Crown is laughable. The travesty is that their factions

believe they are either the best or most suitable for promotion at the moment. Both the Labor Party and the Liberal Party are going to find it even more difficult to attract young, talented people into the state parliament as opposed to the federal parliament.

Recent decisions taken in relation to superannuation have, of course, made it harder to attract people to come into the state parliament—and the federal parliament for that matter, because the same changes were made federally. Now there is a combination of there being no difference in terms of superannuation from superannuation provided generally to other workers in the community and a salary arrangement significantly less than for federal members, as well as other benefits and allowances being significantly different.

I think it was my lower house colleague the member for Davenport who highlighted that, for a fully serviced car, for which state MPs, I think, pay approximately $7,000 a year (or a bit over), federal members have been paying $700 a year and, I understand, under the new arrangements, they will be paying zippo, nothing, naught, zero—however you want to describe it.

As I think the member for Davenport highlighted, the differential between just the car and the salary for a backbencher, state and federal, would be close to $50,000. If you then look at the salary position of a federal minister, as opposed to a state minister, you would be looking at a salary differential of approximately $75,000 to $80,000 a year in terms of governance. That is going to provide challenges to good governance in terms of attracting talented people into the state parliament and into the state ministry.

The other thing I put on the record at the end of last year during this debate, and I want to do so again today, is the relative salaries of public servants in South Australia compared with state members of parliament. What I indicated in November last year was that, as the Chair of the Budget and Finance Committee, one of the pleasures in life I have is being confronted by senior members of the state Public Service representing various departments and agencies every fortnight at the Budget and Finance Committee meetings.

Most recently, the government appointed Freddie Hansen, one of the ex Thinkers in Residence, as the new boss of the Urban Renewal Authority, I think it is called. After some time, we chased up and finally ascertained the contract arrangements for Freddie Hansen. Freddie Hansen, as an ex Thinker in Residence heading up an Urban Renewal Authority (so we are not talking about the health department or the education department) is being paid $392,000 and a few cents a year as the head of the Urban Renewal Authority.

The government will say, 'We've got to pay that sort of money to attract people who are prepared to work as the head of an urban renewal authority.' I compare that with the salary of state members of parliament at $140,000 a year—people who are required to make decisions in terms of the government and the governance of South Australia and South Australians.

It is not just the chief executive officers. At the end of the financial year 2010-11, which is just over 10 months ago, so it will be probably another 3 or 3½ per cent higher now, I pulled out some figures of not all but a number of the bigger agencies in South Australia from the Auditor-General's Report to look at the number of public servants being paid packages above $150,700. The reason I chose $150,700 was that the salary for members of parliament at that stage was about $140,000 and, with 9 per cent superannuation to add to that, the closest band I could come to was the $150,700 one the Auditor-General reported on. In not all but a significant number of the bigger state government departments and agencies, there were 832 public servants in South Australia earning more than $150,000—almost 1,000 public servants earning more than a state member of parliament earns.

I will happily argue anywhere that I believe that the job and role of a state member of parliament are important, and I will happily argue that a state member of parliament should be in some way remunerated at a level which is equivalent to at least a number of these public servants who are earning more than $150,700. We can argue about how much higher, and that will ultimately be an issue in relation to what is acceptable to parliament and the community and others, but I cannot accept that there are 832 public servants who really, on the basis of a work-value case, are entitled to be paid more—and, in some cases, significantly more—than a state member of parliament.

The reason for that is, for the 69 members of parliament, there is this understandable focus on members of parliament and what they are paid and what they are entitled to. Some of us, of course, do not make the case any easier. The example in the federal parliament at the moment of

a certain MP just gets a head nod from the community that, 'There you are, there's the perfect example of members.'

In this particular case, though, it is not actually the rorting that has gone on as a member: it is the alleged rorting that went on as a union official prior to his becoming a member of parliament, but I think people sometimes lose that in the debate. I know in the discussions that I have, people just assume that this is the sort of rorting that all members of parliament go on with.

The PRESIDENT: They're that poorly paid some of them have to shoplift!

The Hon. R.I. LUCAS: If you want to enter the debate, Mr President, I would invite you to do so. Your interjections, of course, are out of order.

The Hon. Carmel Zollo: Precious, isn't he?

The Hon. R.I. LUCAS: No, not precious. I am just pointing out that his interjections are out of order.

The PRESIDENT: That's very true.

The Hon. R.I. LUCAS: The challenges for state members of parliament are going to now be significant because, the reality is, as I said, that this has occurred under Liberal and Labor governments over many years and with Liberal and Labor oppositions over many years, so it is going to be well-nigh impossible to find the circumstances where a change might occur.

Whilst it is a personal view and I am expressing a personal view in relation to some of these comments, one of the options that was being raised which has now been obviously rejected by the government and others is actually to look at some of the benefits that state members of parliament get and to actually package those to remove some of those perks and benefits, which is what the federal report was about, and to replace that with salary for members of parliament.

There is a benefit for new members in that, and I put my position on the line. That is, I am one of the more fortunate ones because I entered long enough ago to still be in the original superannuation scheme, but the newer members are not receiving the benefits of the older superannuation schemes. They are receiving the same benefits as others broadly in the community in relation to the accumulation schemes that apply to everyone, subject to the investment performance of the schemes and the investment climate at the particular time.

However, if an arrangement came in where you could actually say that some of the perks or benefits—however you want to define them—that are currently paid are removed and the dollar equivalent was actually then paid to state members, those newer state members would of course see an additional benefit in terms of their superannuation because the superannuation paid by the employer is based on a percentage of the salary component that they are being paid.

It would also mean that for things like travel—$11,000 or $12,000 a year, which attracts some criticism from the media and others—if that benefit, for example, was to be removed and the salary equivalent was increased for members, then members could choose, if they wanted to, out of their increased salary to travel or not to travel, and some of the odium of overseas travel in particular but also interstate travel that members of parliament attract might also be removed with that sort of a change.

You could argue publicly that there is no additional cost to the taxpayers of South Australia if you are on the one hand removing perks and benefits and on the other hand increasing the base salary for members of parliament. As I said, that has an added benefit for, in particular, the newer members of parliament we are trying to attract and retain in the parliament.

It may well be that that is the sort of area future parliaments and governments might need to look at; that is, it is all too hard to look at the notion of a work value case, as occurred federally, and to argue and defend a state salary increase, as the federal people have done. If that is too hard, it may well be that at some stage in the future there will be an option where you do something which is relatively revenue neutral. You remove benefits like overseas travel, perhaps; you might even look at removing the payment for committees, because that is a difference between state and federal MPs.

You might look at, for example, whether we need to continue to provide taxpayer funded cars for chairs of two or three committees, given that we do not provide taxpayer funded cars for chairs of other committees. Do we need to provide a taxpayer funded car for the Chairman of Committees' position or the Deputy Speaker's position in the lower house? Potentially, you have

savings there of $100,000 plus, I am sure—probably more than that when you come to think of it—in relation to three, four or maybe five cars. There might be $500,000 in terms of savings, which again, in a revenue neutral way, might be able to be translated into a modest revenue neutral salary increase for the base level of salaries for MPs.

It may well be that some creative thinking along those lines will really be the only option for the future. Again, the only way even that option will happen is if people of goodwill amongst all the members of parliament—government and opposition, and others—are prepared not only to sign off but endorse and support such an option in terms of providing greater equity for state members of parliament.

With that, I indicate the support for the bill, which provides a 2.9 per cent salary increase from 1 July to state members of parliament and which will continue to see state members of parliament paid significantly less than almost 1,000 state public servants within government departments and agencies.

The Hon. R.L. BROKENSHIRE (16:38): I will be brief, but I want to put a couple of remarks on the table regarding this bill. Clearly, it is going through, so there is not a lot of point in talking about it, but what I would say is that over successive governments, irrespective of their colour, decisions are often made by the executive of the government on whether they are going to support pay rises and conditions for MPs or withdraw pay rises and conditions for MPs. This has happened for 20 years at least that I can recall.

I can understand why the community is cynical about situations regarding salary structures and conditions for members of parliament. I think the only way that this is ever going to be sorted out properly is for fingerprints on any conditions for members of parliament to be totally removed from the government of the day, from the parliament of the day, and that there should be a tribunal that is structured already but is not getting the opportunity of doing a proper analysis on what members of parliament are worth.

Many people in the community would suggest we are worth zero, but most good-thinking people realise that members of parliament need reasonable conditions and salary structures. I find that the community totally disagrees with the fact that here are we are again today debating whether there should be a certain gap between the nexus of the federal parliament and the state parliament. I strongly and firmly believe that the best way forward for transparency and for independence is to hand all our salary considerations and all our conditions around other sectors of our employment to the tribunal.

Once and for all it should be left right out of the hands of the government of the day or the parliament. I would support a government that actually said, 'Right, let's remove all our fingerprints from this. Let's get right away from it and set it up to be independent and push it to an independent remuneration tribunal,' such as is done with the courts and the judges of this state and others.

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) (16:40): The Hon. Ann Bressington did indicate that she might want to make a contribution.

The PRESIDENT: She is not here.

The Hon. D.W. Ridgway interjecting:

The PRESIDENT: She is in a conference, is she?

The Hon. G.E. GAGO: Okay, good. I understand that she does support the bill, nevertheless, so I will proceed. She is aware that I was going to put this through committee.

The Hon. R.P. Wortley interjecting:

The Hon. G.E. GAGO: She does support it, yes. By way of summing up, indeed, this is an important bill. It maintains the link between the base salary of state parliamentarians and that of federal parliamentarians. However, to obviously avoid the significant increases in salaries that we saw recently, it will set the difference between the base salary and state and federal parliamentarians at $42,000 from 1 July 2012. This will mean that the base salary of South Australian parliamentarians will be $140,000 per annum from 1 July 2012, which is an effective increase of 2.9 per cent. I thank honourable members for their contributions to the second reading stage of this bill, and I look forward to its being dealt with expeditiously through committee.

Bill read a second time.

Bill taken through committee without amendment.

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for Tourism, Minister for the Status of Women) (16:43): I move:

That this bill be now read a third time.

Bill read a third time and passed.

STATUTES AMENDMENT (ATTORNEY-GENERAL'S PORTFOLIO) BILL

In committee.

Clauses 1 to 4 passed.

Clause 5.

The Hon. M. PARNELL: Clause 5 enables the Environment, Resources and Development Court to conduct a sentencing conference. This is a provision that the Greens support—a useful addition to the activities conducted by that court. My question is in relation to those who have the right to participate in a sentencing conference and how people would come to know that a sentencing conference was being held so that they would know whether or not they could apply to be part of it. I will explain my question a little bit more. What clause 5 talks about is that the sentencing conference can comprise the defendant, the defendant's lawyer, the prosecutor, and then it goes on in paragraph (d):

such representatives of persons affected by the commission of the offence as the Court thinks appropriate;

In the second reading speech, the minister referred to local communities affected by pollution and that they would be able to come along to the sentencing conference and talk to the court about how the pollution affected them. But then it goes on in (e):

such other persons as the Court thinks may contribute usefully to the sentencing process.

I think that is an important addition to this section, but the difficulty I have is how on earth would anyone know that the sentencing conference was being held so that they would know to actually write to the court and say, 'Can we come along?' What I have in mind, for example, is a serious pollution offence that might affect a species of animal, for example, a fish.

How would the fish people at the museum, or in the environment department or the community sector know that there was going to be a sentencing conference where the court would benefit from expert knowledge on the impact of the pollution on the species? I think I have explained the question in a couple of ways, so if the minister has any answer that would be helpful.

The Hon. G.E. GAGO: I have been advised that either the defence or the prosecution would request that interested parties be involved in a sentencing conference, then the court itself would assess if that is appropriate and the interested parties would be notified accordingly. So, the example is, if the prosecution wanted a particular member of the public to attend the conference, the court would assess whether it thinks that is fit and if it did then the prosecution would inform the interested party that they were required at the conference.

The Hon. M. PARNELL: I thank the minister for her answer. I can understand how that might work. For example, the prosecutor is keen to get a fish expert or representatives of the local community to come along and make a presentation, if you like, or give evidence at the sentencing conference about the impact of the pollution. I note that a prerequisite for a sentencing conference is that the defendant has to first express contrition, which I find an interesting way to proceed. The defendant first has to say—let us say it is a big corporation—'I'm terribly sorry for the pollution that I've imposed on this local community', and then the prosecutor could pick and choose some victims, if you like, some people whose property or health was impacted by the pollution.

The prosecutor could pick a bird or frog expert or some ecologist to come and give evidence, but it seems to me that it misses the point somewhat, because my understanding would be that a sentencing conference probably would not be in the cause list and it would probably not be advertised and, unless the prosecutor happens to pick you as a person who the prosecutor believes has something worthwhile to tell the court about an appropriate sentence, then you have no idea what is going on.

I hope I am not confusing here the contribution that a person might make in a sentencing conference with, for example, the right of a victim to give a victim impact statement in other criminal proceedings, but it would seem that there is some similarity. If, for example, a big corporation polluted a local environment, impacted on the health of local people, impacted on their properties—maybe they were evacuated, maybe they had to leave their homes for some period—is there any mechanism in place, other than the one the minister just identified, which is the prosecution picking and choosing people who the prosecutor believes have a contribution to make to sentencing? What opportunity is there for anyone else, of their own volition, to find out there is a sentencing conference about to be held and to apply to have their say—give evidence, if you like—to that conference?

The Hon. G.E. GAGO: I have been advised that the honourable member is slightly confusing the purpose of a sentencing conference. The sentencing conference is about involving victims who have been directly affected in setting the sentence appropriate to the offence. The purpose of a sentencing conference is outlined there in part 3, clause 5, new section 9D(3), which states:

> (3) The primary purpose of a sentencing conference is to negotiate action that the defendant is to take to make reparation for any injury, loss or damage resulting from the offence, or to otherwise show contrition for the offence.

It generally involves those people who have been involved in an offence, are part of the case and are seeking damages or reparation in some form, whether it is an 'I am sorry' or a severe sentence. It is not about throwing the net widely to find out how many people in the community have suffered injury: this is about working out the injury that has been indicated, and from those parties what is an appropriate sentence.

The Hon. M. PARNELL: I thank the minister for her answer. We are sort of getting there, in a way. The hypothetical example I gave was that, if as a result of a criminal act we had chemical contamination of an area, the area had to be evacuated, a number of people had to leave their homes and had to take, for example, motel accommodation, they are people who have suffered some sort of loss. I am not aware of the EPA having a fund that would actually pay people's motel bills for them.

I would have thought that, the company having expressed contrition, as it says in subsection (1)—and as the minister pointed out in subsection (3), the prime purpose of this conference is to negotiate action that the defendant could take to make reparations—reparations might be that the company would agree or be sentenced, however it is worded, to pay the motel bills of all those people who were forced out of their homes as a result of the company's criminal act in polluting the area.

What I would hope is that there would be some system that the EPA would put in place, maybe through its website, through letterboxing or whatever. You would need to call for people to identify what loss they had suffered so that those people know they can put in a claim to the company, which has expressed contrition, that they have their loss covered. It might be as simple as a motel bill or it might be damage to property.

I do not require anything further from the minister. I just make the point that if such a sentencing conference were to be held I would expect the EPA and the prosecution to make some effort to find out who in the community has suffered loss so that there was the ability for those people to make their claim, as it were, on the contrite offender so that any compensation paid could be incorporated into whatever the sentencing might be—whether it was a combination of fine plus an agreement to pay this additional compensation.

I make the point that the Greens are very supportive of the clause. We would like to see the EPA put in place measures that give it some practical effect. That will include advertisements, in some cases, inviting people to lodge their claims. I just make that point.

Clause passed.

Clause 6.

The Hon. G.E. GAGO: It has been drawn to my attention that answers to questions asked by the Hon. Ann Bressington have not yet been put on the record, so I will use this opportunity to put some answers on the record.

The Hon. Ann Bressington requested that the minister respond to comments from the Law Society and answer why people on good behaviour bonds do not have appeal rights. I have been

advised that in relation to the provision amending section 48 of the Criminal Law (Sentencing) Act 1988, which introduces a requirement for those persons under supervision to obtain written permission of the Chief Executive Officer of the Department for Correctional Services before leaving the state, the Hon. Ann Bressington has raised comments.

The Law Society has commented that persons on parole are able to apply to the Parole Board if the application to travel interstate is rejected by the Chief Executive of the Department for Correctional Services and that persons on bail can apply to the court. The Law Society further suggests that its view is that the power to grant this permission properly lies with the probative court, and therefore if the decision of the chief executive is to decline permission a person should be able to appeal the decision to the court.

The Hon. Ms Bressington then specifically asked about those people on good behaviour bonds and why those people do not have appeal rights. The comments provided by the Law Society may have confused this issue slightly, and I think there may have been a misunderstanding about the ability to appeal decisions in relation to interstate travel permission. There is actually no ability to appeal the decision of a chief executive of the Department for Correctional Services to a court in relation to interstate travel permission either for persons on parole or those on bail.

It may simplify the situation to outline the three types of persons who are under some type of supervision of the department or the courts. Persons on bail who wish to travel interstate must first seek permission from either the CE of the Department for Correctional Services or, if they are under supervision, of a community corrections officer; or, if they are not under the supervision of a corrections officer, from the bail authority. The bail authority may be a court, which could explain some of the confusion in relation to seeking travel permission from a court.

A person on parole currently seeks permission from their community corrections officer. Amendments to section 48 will now mean that those on parole must seek permission from the CE of the Department for Correctional Services. A person on a good behaviour bond would have to comply with the specific conditions of their bond. If one of those conditions was to be under the supervision of a corrections officer, they would then be in the same situation as someone under supervision on parole and would accordingly have to seek permission to travel. To summarise, it is not correct to say that those on parole and on bail have appeal mechanisms. That is not, in fact, the case, and I hope that my answer has clarified the situation.

Further, we disagree with the Law Society's suggestion that a person should be able to appeal to the court if their application to travel interstate is rejected. In practice, this would be unworkable as the courts would not be able to cope with the volume of appeals if they were available for the decisions made by the CE of Correctional Services. However, there are conditions and restrictions on persons under supervision, which the courts and the relevant legislation leave to the Department for Correctional Services and the community corrections officers to specify and carry out. Permission for interstate travel is one of those restrictions, and I believe this is appropriately dealt with by the department without the need for appeals to the courts.

The honourable member's second question related to clarification of why power to grant permission for interstate travel resides with the CE and not with the corrections officer. The honourable member asked: will it be delegated where is it retained by the CE and why? In answering this question, I am advised that we have consulted with correctional officers, who strongly agree with the government's amendment to section 48 in the bill. It was requested by the department that the part referring to travel out of the state appropriately allocates responsibility to the CE of Correctional Services.

Correctional Services advised us that it expects all offenders under the supervision of the department to request permission to travel out of South Australia. There are established departmental guidelines and procedures to ensure travel is for legitimate reasons, appropriate checks are conducted and notifications are made to receiving jurisdictions, where necessary, and permission granted with clear time lines and expectations. This ensures that risk is managed appropriately. Some offenders are not granted permission if the risk is deemed too great.

Offenders supervised by the department are allocated to a tier of supervision, based on assessed risk. With this in mind, it is envisaged by corrections officers that the provision will be formally delegated to the Executive Director, Community Corrections for all offenders except those deemed to require the CE's approval; that is, very high-risk offenders on the highest tier of supervision and also sex offenders.

The government agrees with the opinion of the department in that responsibility appropriately sits with the CE. One could imagine the type of situation where a high-risk offender, for example, involved in outlaw motorcycle gangs, could pressure a community corrections officer to grant them travel permission. This is the type of situation we obviously want to avoid placing on the correctional officers and why it is appropriate that, in some cases, the responsibility lies personally with the chief executive.

The third question was around the powers of the DPP under other acts and to whom are powers delegated. A comment was made that the powers could be delegated to anybody, including police officers, and that this undermines the Office of the DPP acting as a check on police powers. I understand that the list of powers granted to the DPP under acts other than the DPP act have already been provided, so I will not repeat that here.

The honourable member mentioned about powers being delegated to anyone. I want to clarify this point: it is not correct. In both the current section allowing the DPP to delegate powers under the Director of Public Prosecutions Act and in the new provision allowing delegation of powers under other acts, the delegation must be to a suitable person. Therefore, it is not correct to say the DPP could delegate a power to anyone. Persons outside the DPP's office would not constitute a suitable person, as the independence of the office may be compromised in that situation. Similarly, functions that require specific legal skills would only be delegated to those with the specific skills and expertise required for that task.

Although the specific person to whom powers are delegated is a question for the DPP as a matter of internal procedure, to give an example, powers currently able to be delegated—such as deciding whether to charge a person with an offence—are only delegated to senior legal officers, generally those in management positions, such as SAES1 or 2, who would have at least 10 years' experience. Persons who do not have the required skills and expertise would not be suitable according to the legislation, and the government trusts the DPP to choose only suitable persons to delegate powers.

Delegations of powers are commonplace in government and are necessary to ensure the smooth and efficient running of departments and offices throughout government. It is not acceptable that a necessary task, applications or other operations of the DPP may be delayed because the DPP is not able to personally exercise the power due to being outside the jurisdiction or otherwise unavailable, and it is this that we actually seek to remedy in our bill.

Clause passed.

Clause 7 passed.

Clause 8.

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

Page 5, line 21—Delete 'CEO' and substitute:

community corrections officer to whom he or she is assigned

This is a discussion that the Legislative Council has had a couple of times in recent months. This amendment seeks to leave to their supervising officer the discretion as to whether a person may travel interstate.

We accept that there is a need to monitor the interstate movement of people under supervision. We appreciated the advice from the government in terms of the flexibility that officers would have in giving this permission but, consistent with our position in the context of the Correctional Services (Miscellaneous) Amendment Bill 2011, the opposition's view is that the management of people under supervision is best done by people who know their circumstances and aptitudes, rather than relying on a bureaucratic process that is removed from that person.

I accept the minister's points that, from time to time, a particular person's or class of persons' situation might warrant closer supervision by a more senior officer, but these community corrections officers who are specified in the act are subject to direction by the CE and more senior officers. There could be standing arrangements in place that, in certain circumstances, they need to seek the concurrence of a more senior officer.

We are concerned that the government's amendment is part of a growing trend of government centralisation, where decisions are made further and further away from the people they affect and further and further away from the people who have the most intimate experience of

the person and their situation. I seek the support of the committee to maintain a close proximity between the person who is affected and the person who makes the decision in relation to them.

The Hon. G.E. GAGO: The government will be opposing this amendment. In the bill as it stands, a parolee will need to seek written permission from the CEO of the Department for Correctional Services prior to travelling interstate. The opposition amendments change this so that a parolee need only seek permission from their assigned community corrections officer. and I have addressed similar issues already. Whilst we appreciate that the opposition is not seeking to amend the mandatory aspect of parolees seeking permission to travel interstate—which the government views as a very important part of the provision—we will still be opposing this amendment.

The government has sought the views of the Department for Correctional Services, and they are very concerned about the effects that the opposition's proposed amendment could have. It is their view—and the government strongly agrees with this—that the power to grant permission to travel interstate properly lies with the highest level of authority within the department. The concern is in the case of a parolee who has committed, for example, a serious violent or sexual offence and it is not appropriate for a corrections officer to grant that person travel permission.

For example, if a parolee who has committed an offence under the serious and organised crime legislation applied for permission to travel interstate, we believe the decision should be made at the highest level of authority within the department. It should be noted, however, that the power to grant permission for interstate travel may be delegated, where this is appropriate, for example, for offenders who are on parole having committed less serious offences. It is for these reasons given that we oppose this amendment.

The Hon. M. PARNELL: The Greens are sympathetic to the arguments being put by the opposition and also by the government. At one level we are sort of in furious agreement, but there are two paths to the same ends. The government's position is that the starting point is that the parolee, for example, writes to the CE and requests permission to go interstate. The CE, presumably, would have a delegations document which would enable many of those routine decisions to be made at a lower level by, for example, the community corrections officer.

That is the government approach. The Liberal approach is to say, 'Why don't we give the power directly to the community corrections officer, and then for those cases that need a higher level of authority the CE will have to put in place a reverse delegations policy which basically tells those community corrections officers to send it back upstairs if the original offending falls into a certain number of categories.' That would make sure that the highest level authority that the minister referred to gets to make the final decision.

At the end of the day, under both models, you would hopefully find the appropriate person making the decision in the appropriate circumstances, but I do have a problem with the way the Liberals have put it. As the Hon. Steven Wade said, because these community corrections officers are under the direction of the CE anyway, that fundamentally undermines the delegation power, because what you would be doing is you would be saying, 'These things are delegated to you, but you have to do it the way I say,' which is effectively the CE making the decision in the first place.

In light of all the circumstances, the Greens will not be supporting the Liberal amendment. We will keep with the bill as drafted, with the permission being sought from the CE, and we would trust that the CE would have appropriate delegations policies in place to make sure that the actual decision is made at an appropriate level for those cases that warrant it.

The Hon. G.E. GAGO: I think we have made it very clear why the government is opposing this. There could be a circumstance where obviously the corrections officer is in a much closer relationship with the parolee; they might be in an ongoing supervisory role. What we are saying is that they can be much closer to the parolee, and particularly in very serious offences, particularly organised crime activity, it might be easier for the parolee to lean on the corrections officer in a more coercive way.

Because of the seriousness of the offence, what we are saying is there should be a greater distance in the relationship between the person with the authority and the parolee. We think that that is absolutely in the public interest to do that, and it is also in the interest of the staff. We think that protects their interests and it protects the public interest, so we feel quite strongly that this is a sound position to be coming from.

Amendment negatived; clause passed.

Clauses 9 to 12 passed.

Clause 13.

The Hon. S.G. WADE: I thank the minister for her response to the Hon. Ann Bressington, which I think was given in an earlier clause but one of them did relate to this particular section. My understanding is that where this clause provides 'may delegate to a suitable person', the Hon. Ann Bressington asked, 'Could it be delegated beyond the office and to a police officer?' The minister's answer was yes, but the minister said that, depending on the circumstances, it may not be suitable, but we will discuss that as we go through the consideration of this clause.

The opposition opposes part 4 (heading and clause 13), because we do not believe in a broadbrush change to allow the DPP to delegate without clarity—why it needs to be done and why it needs to be done in each of the cases. The minister referred to an answer that the government gave to the Hon. Ann Bressington where it detailed numerous acts and regulations which do accord a power to the DPP. If I remember rightly there were 26 acts and a series of four sets of regulations. The clause itself in proposed section 6A(1) provides:

> The Director may delegate to a suitable person (including a person for the time being performing particular duties or holding or acting in a particular position) function or power of the Director under this or any other Act (unless the contrary intention appears).

What the clause says is that, unless the act (which was enacted before the passage of this general delegation power) did not specifically say it could not be delegated, then it shall be able to be delegated. Those 26 acts and regulations on my count have around 100 powers. In the summary that is provided by the government it is not easy to be precise, but we are not talking about the odd power here or there. Each of these powers was put in statutes by this parliament without this general delegation power being in place.

Some DPP powers are explicitly not able to be delegated under their relevant statutes, and this amendment by the government would not override those specific exclusions. However, what the government wants to say is that, if they were not especially explicitly barred at that time when parliament considered the legislation, a delegation should be allowed. I think that it is better to assume the reverse. I think that it is better to assume that if parliament enacted a power to the DPP without a general delegation power in place, parliament would have every right to assume that it would not be exercised by other officers without a specific delegation in place.

The government referred in its second reading explanation to the Listening and Surveillance Devices Act 1985, which allows the DPP to approve an application by police to the Supreme Court for a warrant authorising the use of devices. The role of the DPP as under this act is essentially to be an independent arbiter as to whether that application should go ahead, yet the government is effectively saying that, without limitation, this power should be able to be delegated to whomever the DPP determines.

The minister has chosen to give a particular interpretation of 'suitable person', which seeks to assure us that it could not be done, presumably, in this situation to a police officer. I am not comfortable that that is clear in this power. I am actually very uncomfortable with the thought of the DPP being able to delegate this power beyond their own office. To then ask a DPP to speculate as to who a court might consider to be a suitable person is, I think, very broad drafting—not drafting this parliament should be attracted to.

Also, I highlight to the committee that there are some serious prosecutions that are the subject of DPP approval. The two that come to mind are criminal defamations. Section 257 of the Criminal Law Consolidation Act requires that criminal defamation can only be actioned with the consent of the DPP. Under the Racial Vilification Act (section 5), likewise; they cannot be prosecuted without the DPP's consent.

Criminal defamation is rare but we have a case before the courts at this time which relates to criminal defamation. I, as a parliamentarian, am reassured that such a serious charge cannot be levelled by the police acting alone or for that matter a relatively junior officer in the DPP. I am glad to see that that is in the hands of a senior independent statutory officer.

I am certainly not comfortable to pass this legislation which would carte blanche give the DPP the power to delegate, and this is no reflection on the DPP. Parliament sets up a set of laws to provide justice and assurance to the community as to the respective roles of a range of officers. Of course, we have situations where the DPP makes prosecutorial decisions and uses other discretions; that is why we appoint people of such esteem to these important roles.

Just as parliament does not reflect on the DPP in those acts where the parliament specifically excludes a delegation, neither do I think it is any reflection on the DPP to say we are not happy to retrospectively determine that these delegations which have already been put in place can be subdelegated without further reference back to the parliament.

Let me stress that the Liberal opposition is not saying that in every case of those 26 acts and regulations that we would oppose the ability of the DPP to delegate. The document that the honourable minister referred to earlier highlights that a lot of these powers seem to be eminently delegateable. It seems eminently appropriate that many of them be delegated, but just as I have said there are cases such as criminal defamation and racial vilification where I, as a parliamentarian, would not support their delegation if that was being put forward as a separate stand-alone provision.

The changes proposed by the government are a broadbrush approach to address this issue. Rather than introduce the provisions in a stand-alone bill so that each power can be scrutinised and considered accordingly, we are being expected as a parliament to accept it carte blanche.

In this context I was reminded of a piece of legislation that we considered in this house last year. I remind honourable members of the Statutes Amendment (Directors' Liability) Act 2011. It had 26 parts. I presume that means we amended about 25 acts. Members will recall that it was a result of a commonwealth-state consultation over some years about what was the appropriate level of directors' liability in relation to a whole series of acts—everything from the ANZAC Day Commemoration Act to the Gaming Machines Act to the Supported Residential Facilities Act, etc.

I remember from briefings that we had in relation to that legislation that there was a set of criteria that were determined by a ministerial council. The state governments each turned to the legislation and categorised where they thought the legislation fitted in the schema and pitched the level of directors' liability in the context of that schema. I suggest to the council that that is an eminently appropriate model for us to look at in this context.

Ironically, there is about the same number of acts. Last year the government in relation to directors' liability wanted us to consider them in the context of a schema and in the context of a stand-alone bill which had different provisions for different categories. I argue that is exactly what we would expect in this legislation. I look forward to a Director of Public Prosecutions Act, even if it is part of another act, which provides more contrast in the way that different powers are dealt with.

We are very concerned that this may well be symptomatic of the government's underfunding of the Office of the DPP. Both the previous DPP and the current DPP express concerns about the need for the government to better resource the DPP going forward as case loads continue to increase. We do not want to see a DPP under pressure being asked to delegate when in a properly resourced office they would not be subject to this pressure. In that context we urge the council to resist this proposal in this bill by opposing this clause. As I said, the opposition is not ruling out supporting an increase in the delegations. We want to make sure that the DPP and his officers have appropriate legislation. We do not believe this carte blanche general delegation power is appropriate.

The Hon. G.E. GAGO: The government supports the clause, which provides that the DPP may delegate his powers and functions under the act, other than the Director of Public Prosecutions Act 1991. The DPP is granted powers under approximately 30 different acts, with most of these powers being appropriate to delegate. A power to delegate means that the DPP may delegate certain functions to appropriate persons, allowing important work of the DPP to continue if the DPP was personally not available to exercise a particular power.

For example, powers granted under other acts include extending the time for prosecuting an offence under the Fisheries Management Act 2007 or making an application to the Training Centre Review Board to vary or revoke a licence condition in relation to youth offenders under the Young Offenders Act 1993. As many of the powers are frequently exercised, it is not possible for the DPP to personally exercise all the functions without causing delays. Our provisions will allow appropriate senior staff to exercise those powers where it is obviously appropriate and necessary.

Of course, we understand there are some powers that are not appropriate for the DPP to delegate and, therefore, some pieces of legislation have specific exemptions put in place, for example, the Serious and Organised Crime (Unexplained Wealth) Act 2009, so that the powers of the DPP under sections 9 or 12 may not be delegated in those very serious cases. This approach makes it clear where the DPP must personally exercise powers. The government believes its

approach is the most appropriate to allow the DPP to operate efficiently, and the DPP is supportive of these provisions. For those reasons, we support the clause.

I have been further advised that, no delegation would ever be given to someone the DPP could not direct. I have been advised that this principle underlies every delegation provision on the statutes book. I have also been advised that there are a number of instances in the statutes books where delegations are for powers under this act, or any other act. There are numerous examples. So, it is not uncommon to have this sort of provision. An example that I have been given relates to the Commissioner of Police in terms of where a delegation under this or any other act is an example of where that provision currently exists.

The Hon. M. PARNELL: The starting point is that the Hon. Stephen Wade is proposing to delete the new section 6A from the Director of Public Prosecutions Act. That would have the effect of leaving in place the existing section 6A. The existing section 6A is similar in very many respects to the amendments. There are only three differences, that I can tell, in terms of what the government is changing.

The first thing it is doing is adding the words 'or any other act'. In other words, it is expanding the range of decisions that can be delegated. The second change is a minor technical change, it provides that a delegation may be absolute or conditional. That was probably implied in the earlier delegation section anyway, but it is now made explicit. The third change is that delegations can be further delegated if the instrument of delegation so provides.

The effect of supporting the Liberal position would be that we would go back to a situation where you pretty much have an unfettered power of delegation. I understand that, as the minister has said, there are fetters in relation to some decisions that cannot be delegated. However, if you look to the Director of Public Prosecutions Act and at the powers of the director, under section 7(1) of that act one of those powers is:

> (h) to carry out any other function assigned to the Director by any other Act or by regulation under this Act;

In fact, most of the powers of the director are contained in those other acts. I do not know whether the director has a great deal of delegating to do under the Director of Public Prosecutions Act, the original act. There is not an unreasonable interpretation that the delegations that need to be done are in fact under those other acts because that is where most of the powers of the Director of Public Prosecutions lie—in the 30 other acts.

Whilst that might not be squeaky clean from a position of statutory interpretation, it makes sense to me, in terms of the people who were drafting this act back in 1991 (I do not know when 6A was inserted, as I have not checked the legislative history), it would seem to me that they always had in mind that there would be delegations and that they would be under acts other than the head act—the Director of Public Prosecutions Act.

The suggested changes do not fill me with as much dread as they do the honourable opposition spokesperson, as they are not that different. You still have the requirement for it to be in writing, and you still have the requirement for the delegation to be to a suitable person. The concerns the Hon. Stephen Wade expressed in relation to who might be a suitable person, those same concerns exist in the existing act—they are exactly the same words—so I do not think there is any real change there.

The delegation is in relation to functions and powers, which is the same under both the existing and the proposed new section. A delegation being absolute or conditional is neither here nor there. The 'further delegation' begs the question as to how far down the chain you go but, as the minister has pointed out, the DPP as a matter of practice would not delegate to any person they did not control, so whether the delegation is in one stage or two probably does not really matter that much.

Weighing up all these things, and bearing in mind in particular that a power to delegate does not guarantee a delegation and does not suggest that certain powers are more or less likely to be delegated, it will be decided on a case-by-case basis. Where acts have set out that a power cannot be delegated, that is fine and we have to accept that, but in the balance of cases the option to delegate should be kept open.

I also remind members that the ability of the director to call back or revoke the delegation exists under the existing section 6A and under the proposed new section 6A, and the ability of the DPP to act personally is under the existing 6A as well as the new one, so I do not see the changes

as particularly radical and, having analysed it in that way, the Greens are not overly worried at the insertion of the new 6A.

Of course, it will need to be handled sensibly, but there is no evidence before us that any of the delegations to date have not been handled sensibly. I have not had any correspondence from anyone to say, 'The heart of this problem was an improper delegation by the DPP.' Until we start getting those sorts of stories coming out of the community, I am inclined to allow the government amendment to proceed as drafted, so we will not be supporting the Liberal position.

The committee divided on the clause:

AYES (11)

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

NOES (8)

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

PAIRS (2)

Wortley, R.P.	Vincent, K.L.

Majority of 3 for the ayes.

Clause thus passed.

New clause 13A.

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

Page 8, after line 3—Before clause 14 insert:

13A—Amendment of section 16—Retirement of members of judiciary

Section 16(2)—delete '65 years' and substitute: '70 years'

At present District Court masters and ERD Court commissioners must retire at the age of 65. In the government's view many in such positions are well able to continue in these roles after the age of 65. Also, in the case of commissioners there may sometimes be few people with the appropriate qualifications available to serve in these positions.

The amendment to the bill will increase the retirement ages of these officers to 70 so that competent personnel do not become unavailable to the court simply because of their age. The changes will also bring the retirement age in line with District and Supreme Court judges, which is currently also 70. The retirement age for magistrates remains at 65, but I understand that is being looked at in a separate review of the Magistrates Court.

The Hon. S.G. WADE: My question is on the last point the honourable minister made. She indicated that the Magistrates Court currently has provision for the retirement of magistrates at 65 and that there was a review underway. Can the minister indicate who is undertaking the review, when an outcome is expected, and why this late amendment came in when that review might well necessitate us considering the retirement age of magistrates?

The Hon. G.E. GAGO: In relation to why the amendment was late, I have been advised that this provision was requested, in consultation with the Chief Judge, and this occurred after parliament was prorogued. It was then reintroduced, etc., and that has taken some time. In terms of the magistrates review, I have been advised that it is being undertaken by legislative services in the Attorney-General's Department.

The Hon. S.G. WADE: The third question, which the minister has not addressed, is: when is the review expected to be finalised?

The Hon. G.E. GAGO: I do not have the answer to that question.

New clause inserted.

Clauses 14 to 17 passed.

New clause 17A.

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

Page 9, after line 12—After clause 17 insert:

17A—Amendment of Schedule—Commissioners

(1) Schedule, clause 1(3)(b)—delete '65 years' and substitute: '70 years'

(2) Schedule, clause 1(5)(b)—delete '65 years' and substitute: '70 years'

The Hon. S.G. WADE: We regard it as consequential.

New clause inserted.

Remaining clauses (18 to 23) and title passed.

Bill reported with amendment.

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for Tourism, Minister for the Status of Women) (17:48): I move:

That this bill be now read a third time.

Bill read a third time and passed.

NATIONAL ENERGY RETAIL LAW (SOUTH AUSTRALIA) (IMPLEMENTATION) AMENDMENT BILL

The House of Assembly disagreed to the amendment made by the Legislative Council and made the alternative amendment in lieu thereof as indicated in the following schedule:

Page 11, after line 26—Insert:

29A—Review

(1) The Commission must conduct a review of the operation of the *National Energy Retail Law* in South Australia after the expiry of 2 years from the date fixed under section 4.

(2) The review must focus on the impact of the *National Energy Retail Law* on consumers of energy and whether the implementation of the Law has—

(a) resulted in increased efficiencies; or

(b) adversely affected customer protection in pursuit of national consistency,

and may address such other matters as the Commission thinks fit.

(3) The Commission must prepare a report on the outcome of the review and provide a copy of the report to the Minister.

(4) The Minister must, within 6 sitting days after receiving a report under subsection (3), have copies of the report laid before both Houses of Parliament.

(5) The Commission must, between the date fixed under section 4 and the completion of the review under this section, publish, on a quarterly basis, statistics about the de-energisation of premises due to inability to pay energy bills during each quarter, unless the Commission is satisfied that the AER publishes comparable statistics on a quarterly basis.

Consideration in committee.

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

That the council does not insist on its amendment and agrees to the alternative amendment made by the House of Assembly.

The government considered that subsection (5) of the Hon. Mr Parnell's amendment put an unnecessary requirement on the Essential Services Commission of South Australia to duplicate a

function which the Australian Energy Regulator intends to perform and therefore did not support this part of the amendment. Minister Koutsantonis negotiated an amendment to subsection (5) with the Hon. Mr Parnell which requires ESCOSA to publish statistics only in the event that the Australian Energy Regulator fails to do so. The government's amendment had full support in the other place, and I commend it to members.

The Hon. D.W. RIDGWAY: Just for clarification, the alternative amendment is the one at the bottom of this schedule that we have just received.

The Hon. G.E. GAGO: Yes.

The Hon. D.W. RIDGWAY: My understanding, as the speaker here in the Legislative Council for the opposition, is that the opposition will agree to this alternative amendment. I discussed it this morning with the shadow minister, Mr Mitch Williams (member for MacKillop) and he has led me to believe that we are supporting this amendment. I indicate that we will support it.

The Hon. M. PARNELL: There was some confusion before because we, of course, had two electricity bills that we debated, one of which is more contentious than this one. I have only just seen the proposed wording, but it certainly does seem to reflect the discussion that I had with minister Koutsantonis, and that is to not require our state Essential Services Commissioner to publish certain data about the de-energisation of premises due to the inability to pay energy bills whilst that information was being collected by the national authority.

This amendment simply reflects that, if the national authority stops collecting the data then ESCOSA should, but we do not need to duplicate just for the sake of duplicating. I think this is a sensible compromise and I certainly support the motion that we not insist on our original amendment and that we support the alternative proposal.

Motion carried.

STATUTES AMENDMENT (CRIMINAL INTELLIGENCE) BILL

The House of Assembly disagreed to the amendments made by the Legislative Council.

SERIOUS AND ORGANISED CRIME (CONTROL) (MISCELLANEOUS) AMENDMENT BILL

The House of Assembly agreed to the amendments made by the Legislative Council without any amendment.

CHARACTER PRESERVATION (BAROSSA VALLEY) BILL

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

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for Tourism, Minister for the Status of Women) (17:55): I move:

That this bill be now read a second time.

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

Leave granted.

In September of last year the then Minister for Urban Development and Planning introduced the *Character Preservation (Barossa Valley) Bill 2011*. That Bill sought to recognise the special character of the Barossa Valley and provide statutory protection from inappropriate urban development. A similar Bill was introduced at the same time providing similar statutory recognition and protection for the McLaren Vale district. As members may recall, each Bill lay on the notice paper to provide members of the community and councils to provide their views on the proposed method of protection of these two iconic wine-producing regions.

The reasons for this Bill are the same as for the *Character Preservation (McLaren Vale) Bill*. Indeed, as for the McLaren Vale Bill, feedback received during consultation on this Bill has highlighted and confirmed the Government's view that the protection of the Barossa Valley from urban sprawl—from either expanding townships or creeping suburbia—is a priority for the community. People want to see the special character of the Barossa Valley protected and they support legislation as the means for this to occur.

The Government has introduced an amended version of the *Character Preservation (Barossa Valley) Bill 2011*. This Bill has been subject to the same public consultation process as for the parallel *Character Preservation (McLaren Vale) Bill 2012* and has been subject to similar amendments arising from that consultation.

Firstly, as for the McLaren Vale district, the boundaries of the Barossa Valley district have been altered in response to submissions received from councils and the community. The eastern boundary of the district new follows the boundary of the Barossa Council and therefore excludes land within the Mid Murray Council. This change

reflects the concern expressed by some that this boundary was too expansive and included areas that were not obviously related to the character of the Barossa Valley or intrinsic to its fabric.

On the west, the boundary of the district has also been revised and no longer includes an area of land east of the Sturt Highway adjacent to the northern end of Gawler. This small area of only 204 hectares sits at the very edge of the district and is more directly connected to the adjacent Kingston industrial estate opposite than to the Barossa. In total, the revised boundaries will ensure that 128,509 hectares of land are recognised and protected within the Barossa Valley district. A revised map of the district has been deposited in the General Registry Office reflecting the changes.

Additionally, unlike the McLaren Vale Bill, the Bill provides for certain designated areas, specified on the map lodged with the General Registry Office, to be excluded from the prohibition on residential subdivision.

Within the Barossa Valley, a number of areas have been zoned for rural living over past decades. These areas, including a large tract between Sandy Creek and Williamstown, are now nearly fully developed under current zoning policy. It is not possible to turn back the clock and restore these areas to agricultural uses. The decision, some time ago, to allow them to be zoned for rural living purposes has long since removed them from being viable primary production lands. The Government acknowledges that some land owners may have purchased properties in good faith with the intention of subdividing them for residential use to the extent permitted by the existing zoning policy. A side-effect of the original Bill would have been to remove that right from these land owners. Given that these areas have long been removed from viable primary production and that subdivision in accordance with the existing policy will not be detrimental to the overall landscape quality of the area, The Government has accepted submissions from the community and decided that, if subdivision is currently permitted in a relevant zone under the development plan, the area of that zone should not be subject to the prohibition on residential subdivision which the Bill applies to other rural parts of the district for the time being.

However, the Government is concerned that it is important that the zoning policy in these areas is not changed in the future to more intensive residential uses. For this reason, the Bill provides that the current zoning policy, which sets a minimum allotment size for residential subdivision consistent with the rural living landscape of these zones, should not be altered without parliamentary approval. The exact minimum allotment size permitted varies in each zone within a range from 0.5 to 20 hectares. Generally, the minimum allotment size tends to be around one hectare. In essence, this means that development in these areas will be treated on a similar basis to the townships—residential subdivision will be permitted and assessed, on its merits, against the provisions of the development plan. However, unlike the townships, the minimum allotment size currently specified in the development plan cannot be changed without parliamentary approval.

The remaining changes to this Bill reflect those made to the *Character Preservation (McLaren Vale) Bill*. Full details of those changes are outlined in my remarks in the second reading debate on that Bill. The Government believes the amended Bill will improve the effectiveness of the protection regime the Government is seeking to put in place. The changes reflect the feedback received during the consultation period and the Government wants to publicly acknowledge all those who took the time to put in a submission as part of that process.

As members may recall, the original Bill was based substantially on a discussion paper and associated maps released by the former Minister for consultation in June 2011. Overwhelmingly, the more than 220 submissions received from councils, members of parliament and community and industry groups supported the proposal to enact legislation to preserve and enhance the special character of the Barossa Valley district.

Once operative, this legislation will set out what is desirable and undesirable in the Barossa Valley. Neither the State Government nor any of the councils will be able to change the rules, or allow incremental erosion of the landscape for urban development, without the approval of parliament.

As with the McLaren Vale Bill, complementary to this Bill, the Legislative Council is also informed that the Development Plan Amendment or DPA which the former Minister introduced on an interim basis last year to support the operation of the original Bill has also been revised, via a new interim DPA, in response to public feedback.

The new interim DPA will prevent inappropriate urban development from occurring within the district as parliament debates this legislation, while allowing growth within the key township areas.

As with the McLaren Vale Bill, given the substantial community interest generated by the previous Bill, the Government believes it is important that members have the opportunity to canvass their constituents and give the Bill appropriate consideration.

However, the Government reiterates to the Legislative Council its strong commitment to seeing this process through to a successful conclusion. We believe this Bill strikes the appropriate balance and will ensure the special character of this district is protected and maintained.

As with the McLaren Vale Bill, the Government would like to acknowledge the work and insight of a number of people who have made important contributions in this debate—including Maggie Beer, Margaret and Peter Lehmann, Jan Angas, the Member for Light Tony Piccolo and others who have highlighted the importance of protecting the Barossa Valley. The region is justifiably well known and regarded, both here and internationally.

I commend the Bill to Members.

Explanation of Clauses

1—Short title

2—Commencement

These clauses are formal.

3—Interpretation

This clause defines certain terms used in the measure.

4—Interaction with other Acts

This clause provides that the measure is in addition to, and does not limit or derogate from, the provisions of any other Act (except as provided otherwise) and provides that this is to be a character preservation law for the purposes of the *Development Act 1993*.

5—Objects

This clause sets out the objects of the measure.

6—Character values of district

This clause sets out certain character values of the district and provides that these values are relevant to assessing the special character of the district and to the policies to be developed and applied under the Planning Strategy and relevant Development Plans under the *Development Act 1993*.

7—Major project provisions not to apply

This clause disapplies the major project provisions of the *Development Act 1993* in relation to developments or projects in the district.

8—Limitations on land division in district

This clause makes the Development Assessment Commission the relevant authority under the *Development Act 1993* for developments involving land division in the district. In relation to areas identified as *designated areas* under the relevant plan lodged in the GRO, the minimum allotment size applying under the Development Plan on the *prescribed day* (being the day on which the Bill is introduced in the House of Assembly), after any amendments to the Development Plan made on that day, will continue to apply to applications for land division made after the prescribed day despite any subsequent changes to the Development Plan and despite section 53(2) of the *Development Act 1993*. The clause also provides, in relation to other land in the district, that any application for development authorisation made after the commencement of the clause that would result in the creation of additional allotments for residential purposes is to be refused.

9—Power to require information

A person or body involved in the administration of an Act may require further information from a person applying for a statutory authorisation or from a government or local government authority for the purposes of the measure.

10—Review of Act

This clause provides for a review of the Act 5 years after its commencement.

11—Regulations

This clause provides for the making of regulations for the purposes of the measure. The regulations may, without limitation—

- prohibit or restrict the undertaking of a specified activity, or an activity of a specified class, within the district, or a specified part of the district (despite any other Act or law)
- provide that a person undertaking a specified activity, or an activity of a specified class, or proposing to undertake a specified activity, or an activity of a specified class, within the district, or a specified part of the district, comply with any prescribed requirement or condition (despite any other Act or law).

Schedule 1—Transitional provisions

1—Transitional provisions

The transitional provision provides for the Planning Strategy to be altered to incorporate provisions which address the character values of the district within 6 months after commencement and for a review of relevant Development Plans within 6 months after the changes to the Planning Strategy.

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

CHARACTER PRESERVATION (MCLAREN VALE) 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) (17:56): I move:

That this bill be now read a second time.

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

Leave granted.

In September of last year the then Minister for Urban Development and Planning introduced the *Character Preservation (McLaren Vale) Bill 2011*. That Bill sought to recognise the special character of the McLaren Vale district and provide statutory protection from inappropriate urban development. A similar Bill was introduced at the same time providing similar statutory recognition and protection for the Barossa Valley.

As members may recall, each Bill lay on the notice paper to provide members of the community and councils to provide their views on the proposed method of protection for these two iconic wine-producing regions. The feedback received during consultation has highlighted and confirmed the Government's view that the protection of McLaren Vale from urban sprawl—from either expanding townships or creeping suburbia—is a priority for the community. People want to see the special character of McLaren Vale protected and they support legislation as the means for this to occur.

The Government has introduced a revised version of the *Character Preservation (McLaren Vale) Bill*. The revised Bill contains a number of changes from the original Bill, which the Government believes will improve the effectiveness of the protection regime the Government is seeking to put in place. The changes reflect the feedback received during the consultation period and the Government wants to publicly acknowledge all those who took the time to put in a submission as part of that process.

As members may recall, the original Bill was based substantially on a discussion paper and associated maps the former Minister released for consultation in June 2011.

Overwhelmingly, the more than 220 submissions received from councils, members of parliament and community and industry groups in response to that paper supported the proposal to enact legislation to preserve and enhance the special character of the McLaren Vale district. In essence, the key features of the original Bill remain unchanged.

As in the original Bill, this Bill defines the boundary of the district, sets out broad objectives guiding its development and, at the local level, ensures that development will be assessed against local zoning policies that are consistent with these objectives. Once operative, this legislation will set out what is desirable and undesirable in McLaren Vale. Neither the State Government nor the local council will be able to change the rules, or allow incremental erosion of the landscape for urban development, without the approval of Parliament.

However, as already indicated, the Government has decided to make three changes in response to feedback received during the consultation period.

Firstly, the boundaries of the McLaren Vale district have been altered in response to submissions received from councils and the community; in essence the northern boundary of the district now follows the boundary of the City of Onkaparinga and does not include any part of the City of Burnside, the City of Mitcham or the Adelaide Hills Council.

This change reflects the concern expressed by some that the district boundaries were too expansive and included areas that were not related closely enough to the character of McLaren Vale. In total, the revised boundaries will ensure that 38,905 hectares of land are recognised and protected within the McLaren Vale district. A revised map of the district has been deposited in the General Registry Office reflecting the changes.

Secondly, the Bill does not include the district and township objectives, describing the special character of the district, that were set out in the schedule to the original Bill. Consultation feedback suggested councils in particular found these provisions confusing and so, instead of this, the Bill now contains a simplified list of district character values and proposes that these be elaborated upon in a supplementary volume of the Planning Strategy. This new volume will be prepared, in collaboration with the affected councils, over the course of the next 6 months. During the same timeframe, the Bill proposes that affected councils must review their development plans to align zoning policy with the special character of the district. Consultation on both of these statutory processes is intended to occur concurrently.

Thirdly, whereas the original Bill prohibited subdivision for residential and industrial purposes within the district, the revised Bill places that prohibition on the creation of additional residential allotments only. Residential subdivision in rural areas can substantially impact on both landscape character and core primary production activities. Subdivision in these areas is often the thin edge of the wedge—fragmenting rural and agricultural lands so that they are no longer economically viable as farming operations. However, given that there are a number of industrial land uses complementary to agricultural production, the Government has accepted the view put to it through consultation that a statutory prohibition on subdivision for industrial purposes would be overly restrictive. Instead, such proposals should continue to be assessed, on their merits, against the development plan.

Importantly, in response to feedback from members of the community, the Government has relaxed the subdivision controls in the interim development plan amendment to enable those land owners along the coastal living strip between Aldinga and Maslin Beach to apply for residential subdivision in accordance with the previous zoning policy. The Government wants to make it clear to Parliament and land owners in those areas that the former subdivision controls for this coastal living area—which is zoned as part of the Metropolitan Open Space System—imposed tight controls on subdivision to preserve the open space seascape character of this important coastal strip. There are just under 140 allotments in these two areas and less than 30 of them are subdividable under the policy, which sets a minimum allotment size of 4 hectares. It was never the case that these two areas—which provide an important landscape corridor connecting the wine-growing areas of the Willunga basin with the sea—would ever be allowed urban subdivision under the former policy and, if Parliament supports this Bill, the opportunity for the area to be rezoned to allow residential subdivision in these areas will be removed. Those land owners who are contemplating subdivision in accordance with the 4 hectare minimum allotment size will have a window of opportunity starting today with the relaxation of the interim development plan amendment. However, should Parliament support this Bill, that opportunity will end upon commencement of the legislation.

The other key elements of the Bill remain substantially unchanged. Complementary to this Bill, the Legislative Council is also informed that the Development Plan Amendment or DPA which was introduced on an interim basis last year to support the operation of the original Bill has also been revised, via a new interim DPA, in response to public feedback.

The new interim DPA will prevent inappropriate urban development from occurring within the district as Parliament debates this legislation, while allowing growth within the key township areas.

Aspects of the Bill's operation require some clarification, given some of the feedback on the Bill and DPA the Government has received.

Firstly, it is important to reiterate that this legislation does not aim to replace or replicate the *Development Act 1993*. Applications for development will still go to council and be assessed against the local development plan. The only exception to this—as stated previously—relates to the residential subdivision in the rural areas of the district which is prohibited under the Bill. This close connection to the *Development Act 1993* has, the Government believes, been reinforced by the changes made linking the character values of the district directly to the Planning Strategy.

It is also clarified that, while the Bill also contains a power to make regulations, this power is limited and reflects the standard regulation-making powers contained in most legislation. For example, there is no power for the regulations to specify exceptions to the requirements of the Bill. In short, the Government will not be able to act without Parliamentary scrutiny to change the legislation.

It is important to emphasise as well that the Bill requires a review of the legislation within five years of commencement. The responsible Minister is required to table the report of the review in both Houses. This review will provide a suitable opportunity for the entire protection regime—legislation, Planning Strategy and development plans—to be assessed for their effectiveness in collaboration with councils.

Finally, it is important to highlight that the district boundary does not include Glenthorne Farm, despite views put to me by some in the community that it should do so. When the Government introduced the original Bill, the former Minister stated that the Government would investigate extending the district boundary to include Glenthorne Farm in response to community concern. However, given its disconnection from the remainder of the district, The Government has decided it would not be appropriate to include Glenthorne Farm in this Bill. The Government is continuing to examine other options to ensure its continuing protection as an open space.

Given the substantial community interest generated by the previous Bill, the Government believes it is important that members have the opportunity to canvass their constituents and give the Bill appropriate consideration.

However, the Government reiterates to the Legislative Council its strong commitment to seeing this process through to a successful conclusion. We believe this Bill strikes the appropriate balance and will ensure the special character of this district is protected and maintained.

It would be remiss to not acknowledge the work of the member for Mawson and the Hon. Robert Brokenshire, who have both championed the protection of the McLaren Vale area. The Government would also like to acknowledge the efforts of Pip Forrester, the McLaren Vale Grape Wine and Tourism Association and others groups such as the Friends of the Willunga Basin who have for many years been seeking to further protect this region. The Government wants to take this opportunity to particularly thank both the elected members and staff of Onkaparinga Council who have been extensively involved in this and the previous Bill as well as the associated DPA.

I commend the Bill to Members.

Explanation of Clauses

1—Short title

2—Commencement

These clauses are formal.

3—Interpretation

This clause defines certain terms used in the measure.

4—Interaction with other Acts

This clause provides that the measure is in addition to and does not limit or derogate from the provisions of any other Act (except as provided otherwise) and provides that this is to be a character preservation law for the purposes of the *Development Act 1993*.

5—Objects

This clause sets out the objects of the measure.

6—Character values of district

This clause sets out certain character values of the district and provides that these values are relevant to assessing the special character of the district and to the policies to be developed and applied under the Planning Strategy and relevant Development Plans under the *Development Act 1993*.

7—Major project provisions not to apply

This clause disapplies the major project provisions of the *Development Act 1993* in relation to developments or projects in the district.

8—Limitations on land division in district

This clause makes the Development Assessment Commission the relevant authority under the *Development Act 1993* for developments involving land division in the district and provides that any application for development authorisation made after the commencement of the clause that would result in the creation of additional allotments for residential purposes in the district is to be refused.

9—Power to require information

A person or body involved in the administration of an Act may require further information from a person applying for a statutory authorisation or from a government or local government authority for the purposes of the measure.

10—Review of Act

This clause provides for a review of the Act 5 years after its commencement.

11—Regulations

This clause provides for the making of regulations for the purposes of the measure. The regulations may, without limitation—

- prohibit or restrict the undertaking of a specified activity, or an activity of a specified class, within the district, or a specified part of the district (despite any other Act or law)
- provide that a person undertaking a specified activity, or an activity of a specified class, or proposing to undertake a specified activity, or an activity of a specified class, within the district, or a specified part of the district, comply with any prescribed requirement or condition (despite any other Act or law).

Schedule 1—Related amendments and transitional provisions

Part 1—Preliminary

This Part is formal.

Part 2—Amendment of *Development Act 1993*

This Part makes related amendments to the *Development Act 1993*. These related amendments apply in relation to all character preservation laws. The amendments would ensure that the objects under a character preservation law are incorporated in the Planning Strategy and provide that the Planning Strategy must incorporate provisions which address any character values of a district recognised under a character preservation law. The Part also makes provision in relation to amendment of Development Plans to promote the objects under a character preservation law and to allow for the Development Assessment Commission to act as the relevant authority in relation to proposed development in certain circumstances.

Part 3—Transitional provisions

The transitional provision provides for the Planning Strategy to be altered to incorporate provisions which address the character values of the district within 6 months after commencement and for a review of relevant Development Plans within 6 months after the changes to the Planning Strategy.

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

FLINDERS MEDICAL CENTRE

The Hon. R.P. WORTLEY (Minister for Industrial Relations, Minister for State/Local Government Relations) (17:56): I table a ministerial statement from the Hon. John Hill, Minister for Health and Ageing in another place, on the Flinders Medical Centre.

At 17:57 the council adjourned until Wednesday 16 May 2012 at 14:15.