LEGISLATIVE COUNCIL

Tuesday 12 June 2012

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

SUPPLY BILL 2012

His Excellency the Governor assented to the bill.

FAMILY RELATIONSHIPS (SURROGACY) AMENDMENT BILL

His Excellency the Governor assented to the bill.

ROAD TRAFFIC (AVERAGE SPEED) AMENDMENT BILL

His Excellency the Governor assented to the bill.

CORRECTIONAL SERVICES (MISCELLANEOUS) AMENDMENT BILL

His Excellency the Governor assented to the bill.

ANSWERS TO QUESTIONS

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

PUBLIC SERVICE EMPLOYEES

77 The Hon. R.I. LUCAS (30 June 2010) (First Session). For the period between 1 July 2009 and 30 June 2010, will the Premier list—

1. Job title and total employment cost of each position with a total estimated cost of $100,000 or more, which has been abolished; and

2. Each new position with a total cost of $100,000 or more, which has been created?

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 Premier has advised:

1. The following response provides information for the Premier's Portfolios (including Minister for the Arts, Minister for Economic Development, Minister for Social Inclusion and Minister for Sustainability and Climate Change, only for those areas under DPC that report to those Portfolios), but does not contain information pertaining to the Auditor-General's Department:

Between 30 June 2009 and 30 June 2010:

Positions Abolished—Total Employment Cost of $100,000 or more:

DPC Division/Area	Position Title	Total Employment Cost
The Department of Premier and Cabinet	NIL	NIL

2.

Positions Created—Total Employment Cost of $100,000 or more:

DPC Division/Area	Position Title	Total Employment Cost
The Department of Premier and Cabinet	Director, Strategic Communications	$158,875
The Department of Premier and Cabinet	Director, Thinking Adelaide Strategy	$159,557
The Department of Premier and Cabinet	Director, Adelaide Thinkers in Residence	$141,362
The Department of Premier and Cabinet	Director, Executive Office	$141,362
The Department of Premier and Cabinet	Executive Director, Policy Coordination	$195,732

DPC Division/Area	Position Title	Total Employment Cost
The Department of Premier and Cabinet	Executive Officer	$103,186
The Department of Premier and Cabinet	Project Manager	$105,192

LAND MANAGEMENT CORPORATION

323 The Hon. D.G.E. HOOD (14 September 2011) (First Session). Can the Minister for Infrastructure advise how the Government expects developers to compete with the Land Management Corporation in developments such as Playford Alive, where there has been no payment for land, or with AV Jennings at Penfield where there is no payment for the land upfront and only a payment on a per block basis when the land is sold and settled?

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:

The Playford Alive Urban Renewal Project is being developed on land that has been held by the South Australian Government for many years, with its original acquisition at commercial rates. The Land Management Corporation (LMC) is developing the greenfield elements of the project, and on behalf of the Department for Communities and Social Inclusion, project managing the renewal of Housing SA's assets through the renewal suburbs of Smithfield Plains and Davoren Park. In addition to meeting the holding costs associated with the greenfield land, LMC has funded investigations to support rezoning, master planning, community consultation and engagement, economic development and other work to establish and manage the current urban renewal project.

The development deed between Land Management Corporation and AV Jennings at Penfield requires the payment of a significant development fee in addition to an agreed percentage of revenue from the sale of allotments. This arrangement enables the private sector to undertake greenfield development at a time of constrained access from the financial markets to capital to invest in residential development. It is understood that developers have for some time been entering into similar arrangements with private land owners.

Recently, Mr Terry Walsh, Executive Director, Urban Development Institute of Australia South Australia advised that the use of optional financing methods for the purchase of land is favoured by private developers as the options are allowing different developers the opportunity to compete for land in an environment where bank finance is difficult.

NATURAL RESOURCES COMMITTEE

The Hon. G.A. KANDELAARS (14:20): I bring up the reports of the committee on the Natural Resources Management Board levy proposals for 2012-13 for Adelaide and Mount Lofty Ranges, Eyre Peninsula, Kangaroo Island, Northern and Yorke, South Australian Murray-Darling Basin, South Australian Arid Lands and South-East.

Reports received.

LIQUOR LICENSING

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 table a copy of a ministerial statement relating to reduced liquor licensing fees made earlier today in another place by my colleague the Hon. John Rau.

QUESTION TIME

SOUTH AUSTRALIAN TRAVEL CENTRE

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:22): I seek leave to make a brief explanation before asking the Minister for Tourism a question about the visitor information and travel centre.

Leave granted.

The Hon. D.W. RIDGWAY: Today we got the dreadful news that there has been yet another drop in the number of international visitors to South Australia. In fact, it has been literally decimated; there has been a 10 per cent drop in the number of international visitors in the past

year. It has dropped to its lowest level in five years. This means that in the year to March, 36,000 fewer people came here from overseas than the year before. The largest drops were in Adelaide and on Kangaroo Island, in the Barossa Valley, Flinders Ranges and outback—and let us not forget that the tourism minister mocks visitors who go into the outback. The Fleurieu Peninsula was also affected.

Meanwhile, in a move condemned by the travel industry, travel facility providers, tourists, the opposition, and the 1,650,000 South Australians who are not in the Weatherill cabinet, the South Australian Tourism Commission's visitor information centre moved from the highly visible and disability-friendly location in King William Street to an out of the way basement in Grenfell Street.

Following the collapse of an agreement with the private operator, Holidays of Australia, which operated the cave, the South Australian Tourism Commission has taken over the employment of staff providing visitor information services there until 30 June this year. That is just 18 days away. I have been given what I believe is reliable information that staff, including senior staff, at the South Australian Tourism Commission are in limbo. They do not know who will be paying them in 18 days; they do not know if they will be given the flick. They have no certainty; they do not know if they will be working or where. My questions are:

1. Is the minister ashamed of her performance as tourism minister?

2. If not, has the minister talked to her colleagues (because they are)?

3. When will the visitor information centre move out of the bunker and back into the street, where it belongs?

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) (14:24): I thank the honourable member for his questions—

The Hon. D.W. Ridgway: Just answer the question.

The Hon. G.E. GAGO: I am happy to answer the question—very happy to answer the question—because it gives me a good opportunity to put on the record how well South Australia is, in fact, doing. Indeed, the recent international visitor figures were disappointing. South Australia experienced a decline, which was very disappointing. South Australia's market share did fall, and a significant contributing factor to that—

The Hon. D.W. Ridgway interjecting:

The Hon. G.E. GAGO: —has been the 1.9 per cent of total international airline seats into Australia. South Australia's share of direct international flights to Adelaide is only, as I said, a 1.9 per cent share of the national seats. This, of course, does have a significant impact on international visitors to South Australia. We know that the dollar has limited international visits here and that, as I said, on top of South Australia's low share of direct flights, makes it very tough. We know that at this particular point in time the airline industry is, in fact, extremely competitive.

It is a very challenging climate to be in, and many of the airlines are struggling. However, despite this, South Australia works very hard to attract direct international airline seats to South Australia and, in fact, we have recently just announced the good news that Singapore Airlines is increasing its number of direct flights to Adelaide, and we continue with those negotiations; but in this particular climate it is very hard to get the international airlines to consider new flights.

Despite these disappointing figures, part of South Australia's strategy in terms of tourism (and I have talked about this in this place before), because of the struggle with the dollar rate, is promoting interstate and intrastate visiting. We have put quite a lot of money into campaigns like our Shorts and Best Backyard campaigns and also the campaign for Kangaroo Island. So that has been the target of our strategy, and it is working. It is working really well. Despite the—

The Hon. D.W. Ridgway interjecting:

The PRESIDENT: Order!

The Hon. G.E. GAGO: I don't have much voice, Mr President, so I am saving it.

The Hon. R.I. Lucas: You don't have much of anything, Gail, to be honest.

The Hon. G.E. GAGO: We certainly don't have much of an opposition, that's for sure. We have no opposition in this place but, anyway, I am trying to save my voice, Mr President. Despite

those disappointing international figures, I have said it in this place before and I am happy to remind the chamber of our increased growth in our domestic visit rates. South Australia is, overall in terms of tourism, still growing. As I said, in spite of those disappointing international figures, overall, South Australia's tourism grows, and that is because of our very strong domestic visitation growth which, as I said, has been core to our strategy.

I have a report that I have referred to previously. A new domestic report is about to come out, so these figures are going to be superseded fairly quickly. As I reported from these figures before, for domestic overnight visitors there was an increase of 8 per cent during that period, whereas the national growth rate was only 4 per cent. Our market share rose 6.8 per cent to 7.1 per cent in both intra and interstate travel; business was up; friends and relatives visits were up; holidays were up; and, again, all of those sectors were higher than all of the national results. In terms of domestic visitor nights we topped the nation with a growth of 9.9 per cent. The national growth was only 1.4 per cent.

There was an increase of 7.4 per cent in day trips, whereas nationally they were only sitting on 3.4 per cent. In terms of regional visits, we know that 63 per cent of domestic visitors to South Australia visited regional South Australia. Those figures which I referred to previously are very strong for our domestic tourism growth. Overall, South Australia's tourism is growing because we have a strong strategic plan. It is working, and tourism is growing in this state at a time when things are really tough. This strategy is working because we have a good plan and we also have a wonderful industry of tourism operators who work very hard to achieve good outcomes for this state.

In terms of the visitor information centre, I have said that we are reviewing this—and we have. I am looking at a particular model at the moment and I expect that this matter should be resolved quickly in the foreseeable future, and I will be pleased to make an announcement soon.

SOUTH AUSTRALIAN TRAVEL CENTRE

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:32): I have a supplementary question. Will the announcement be prior to 30 June? The industry needs some certainty.

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for Tourism, Minister for the Status of Women) (14:32): The announcement will be made in the fullness of time but—

The Hon. D.W. Ridgway interjecting:

The PRESIDENT: Order!

The Hon. G.E. GAGO: I can absolutely assure people in this place that all of those people who are directly involved will be communicated with. We treat all of our people with respect.

Members interjecting:

The PRESIDENT: Order!

The Hon. G.E. GAGO: We treat them with respect, and as soon as the information is available it will be passed on to the relevant parties.

FREEDOM OF INFORMATION

The Hon. J.M.A. LENSINK (14:33): I seek leave to make a brief explanation before asking the Minister for Tourism a question about FOI requests.

Leave granted.

The Hon. J.M.A. LENSINK: On 30 May I asked the minister to take a question on notice regarding the patronage of the government's corporate suite 27 (the schmooze suite) to which the minister responded:

> If the honourable member wants any detailed information about the box, that is available. She can put in an FOI request.

If the minister is up to date with her correspondence she will know that I have requested the information via FOI, but through either the minister's incompetence or caginess I have had to request an internal review for that information. I am not sure whether this is a problem common to other members of parliament, so my questions to the minister are:

1. At present how many FOI requests have been received and are awaiting determination?

2. How many of those are subject to internal reviews?

3. How many of those are subject to external reviews?

4. Will the minister have at least one extra person to help her with her workload now that the job of taking bookings for the schmooze suite has been made redundant?

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for Tourism, Minister for the Status of Women) (14:35): I find it incredible that, after doing away with the corporate box, we have come under such criticism from the opposition. So, if we keep the box, we are criticised and, if we get rid of the box, we are criticised. I find it quite remarkable. As members would be aware, all agencies have their own accredited FOI officers, under the FOI Act. These officers consider the scope of requests and determine any appropriate documents for their release, and they do that in a very independent way. That process has nothing to do with ministers. It is not even at arms length; it is done quite independently of ministers.

In terms of how many FOIs I have received, I do not know. They come through to those officers, and those officers deal with them and respond to them in the appropriate way. If the honourable member has any queries about her FOI (it was probably rejected because she could not fill out the form the right way), as I have said, I have no say or no part whatsoever in those decisions, and she needs to contact the appropriate officer dealing with that application. As I have said, it is a matter that is completely independent of me. Frankly, I am not at all surprised that some FOI applications may take longer than others.

For example, the total number of FOI applications received by the state government in 2010-11 was almost 12,000, which is an increase of almost 30 per cent from 2001-02. The number of FTEs working on FOI across the state government was estimated to be just under 91 in 2010-11, and that is an increase of 118 per cent from 2001-02. So, there has been an increase of 118 per cent in staff since the former Liberal government had responsibility for FOIs, which is incredible, and almost a 30 per cent increase in the number of FOI applications that this government is dealing with compared with the former Liberal government when it was responsible for FOIs.

I am advised that the total cost of administering FOI for state government, local government and universities has risen since the government's first term of office, and it was estimated to be $8.5 million in 2010-11.

Members interjecting:

The PRESIDENT: Order!

Members interjecting:

The PRESIDENT: Order! The minister might want to repeat that cost, because I didn't hear it.

The Hon. G.E. GAGO: I will, for your benefit, Mr President. The total cost of administering FOI for the financial year 2010-11 was $8.5 million—you will be even more impressed with this figure, Mr President—and that is a 400 per cent increase in the cost of administering FOIs since the former Liberal government was in power and taking responsibility for FOI. So, that is a 400 per cent increase in costs compared with the former Liberal government. I am advised that applications from MPs have increased considerably and tend to be incredibly time consuming, often due to their broad scope and complexity.

Of course, we have examples of honourable members in this place requesting FOIs for documents that are in fact on the public record and available to the public in the form of an annual report. I will not name names, but a member in this place put in an FOI for a document that is part of a report tabled annually in parliament. So that is how lazy the opposition are. They cannot even get off their tails and check whether the information is already on the public record. No, no, no: fill out an FOI and waste taxpayers' hard-earned money and a hardworking public servant's time.

FREEDOM OF INFORMATION

The Hon. J.M.A. LENSINK (14:40): I have a supplementary. Will the minister come back with replies to questions she has not answered, or is she refusing to in relation to the number in her office—internal reviews, external reviews?

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): The number of FOIs that my office has received? These are questions that are very easy to forget because they are so banal. I am happy to take that question on notice in terms of the number of FOIs my office has received. I do not know. These are matters dealt with by the appropriate FOI officers. They are completely independent of me, but if the honourable member wants to waste more taxpayers' time—we have examples of the opposition requesting FOIs. Does the honourable member want me to include that one as well? I will include the FOI that was requested for information already on the public record in the form of a tabled document—a complete abuse and waste of the public sector's time and money.

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

The PRESIDENT: I do not think it is the Hon. Mr Dawkins' turn yet. The Hon. Mr Wade.

YOUTH TRAINING FACILITIES

The Hon. S.G. WADE (14:42): I seek leave to make a brief explanation before asking the Minister for Communities and Social Inclusion a question relating to youth training facilities.

Leave granted.

The Hon. S.G. WADE: My questions to the minister are:

1. Will the minister please advise the council why the regime for sanctions for violent behaviour by detainees at South Australia's two youth training facilities has reportedly been amended so that any confinement or loss of privileges is now restricted to a maximum of 12 hours?

2. When was this change in practice implemented?

3. How many assaults against staff or other detainees occurred in the six months prior to this practice being introduced?

4. How many assaults against staff or other detainees have occurred since this practice was introduced?

The Hon. I.K. HUNTER (Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (14:43): I thank the honourable member for his most important question. If he bears with me for a moment, I will look up the appropriate response for him. I understand there have been media reports in recent times relating to the Magill youth training facility in particular, highlighting the issue of some assaults. It is important to understand that the number of assaults we are talking about are very few and, whilst the department and my office are very concerned about assaults on staff and staff safety, and in particular assaults on other young people in that facility and their safety, it is important to know that most of those assaults are caused by a relatively small number of people. It is not as though there is widespread disruption in the facility.

It is also important to understand that most of the assaults, I am advised at least, occur when young people are being dragged off to solitary confinement in terms of their discipline. In the course of being dragged off to solitary confinement or consigned to a cell for a period of time they either lash out or kick out and come into contact with staff. It is not as though these assaults, as they are often reported in the media, of young people involved in these centres are actually targeting staff, but it is usually a by-product of discipline behaviour and management of those young people.

It has also been put to me that there are issues about changes to the discipline of young people in terms of the amount of time they can be kept in detention. My understanding is that there has been no change in that timing. It is a requirement that, when young people are managed when they are being disruptive, those actions taken are not by means of punishment: they are a means of securing the safety of the centre, the safety of the individual and the safety of the staff. They are not meant to be regimes where a young person is punished for their activity; instead, behaviour management procedures are put in place to manage the ongoing behaviour of young people in these facilities.

YOUTH TRAINING FACILITIES

The Hon. S.G. WADE (14:45): In light of the minister's answer, does that mean the industrial action taken by officers at the centre highlights a lack of understanding of pre-existing policy, if there has been no change in policy?

The Hon. I.K. HUNTER (Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (14:45): The honourable member should not take the inference he draws from my answer. I understand the industrial action relates to a number of issues. It is also my understanding that, on consultation with my department, the industrial action has been partially withdrawn.

RIVERLAND REGIONAL DEVELOPMENT

The Hon. G.A. KANDELAARS (14:45): I seek leave to make a brief explanation before asking the Minister for Regional Development a question on regional development in the Riverland.

Leave granted.

The Hon. G.A. KANDELAARS: Many keen gardeners appreciate the variety of plants and seedlings available to choose from. While the stocks on nursery shelves at this time of year are not as colourful as at other times, it is always worth a look. Can the minister update the chamber on the progress relating to a nursery in the Riverland?

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) (14:46): I thank the honourable member for his important question. I am very pleased to update the chamber in relation to the Plumco Nursery, a Renmark-based nursery run by the Plummers, which embarked on a $1.1 million project last year with assistance from the Riverland Sustainable Futures Fund, and this project is well on its way to completion. The $438,000 grant made available to the Plummers in late 2011 was to assist this important local producer to upgrade its facilities on Airport Road, Renmark. The family owned and run business, which I have had the pleasure of visiting, has begun a project to expand and automate its facilities.

The project presents a distinct economic benefit to the region by allowing the company to increase production and supply a much larger variety of vegetable and flower seedlings, as well as the very popular potted colour plants to growers, local government, retailers, function caterers, chain stores and garden centres. Plumco has already completed major construction works, including a storage warehouse, a greenhouse, staff rooms and soil bins, and I understand that a germination room is also currently being built, which will allow the nursery to increase germination capacity and quality for the important spring production.

The company, which currently employs about 38 people, has already added staff due to the expansion. Five casual staff have been employed on a permanent basis, including four in apprenticeships, working in Plumco's new seeding area. In addition, the business has also taken on an office administrator and a transport driver, with a further two people employed in the building process. Local production of small seedlings in trays means the nursery will no longer have to import this type of stock from Victoria and Queensland, obviously providing an economic benefit to the region and making this particular part of the industry more self-reliant. I understand that producing seedlings in the Riverland means that exports to other states will also be increased, which is a very pleasing and positive outcome for the business and the region.

I understand that expansion so far has already paid dividends, by enabling an increase in business turnover and improved efficiencies in this financial year. The project is not expected to be entirely complete until mid-2014, but it is pleasing to hear of the progress that has been made to date, which is already providing many benefits. As members will recall, the Riverland Sustainable Futures Fund is designed to help the region strengthen its economy by encouraging sustainable economic benefits to one of the important food bowls in our state.

The $20 million fund is accessible by industry and businesses to bolster projects that improve infrastructure, support industry attraction and help grow existing businesses and can provide up to 50 per cent of eligible project costs. I take this opportunity to congratulate the Plummers on their hard work so far. They are wonderful people and they employ a fabulous staff who are very dynamic and hardworking. I congratulate them and obviously I am looking forward to seeing the completion of this important project.

DISABLED EMPLOYEES, HOSPITAL PARKING

The Hon. K.L. VINCENT (14:50): I seek leave to make a brief explanation before asking the Minister for Industrial Relations questions about workplace entitlements for people with disabilities.

Leave granted.

The Hon. K.L. VINCENT: I have recently met with representatives of the Public Service Association (PSA) who are concerned about what they perceive to be an erosion of the rights of SA Health employees with disabilities. The PSA is concerned about the new provisions relating to paid parking at public hospitals. When inquiring on behalf of PSA members employed at public hospitals, the association developed some additional concerns about an apparent change in SA Health's policy in relation to staff with disabilities.

Under the existing arrangements contained in the SA Health (Health Care Act) Human Resources Manual, a rather generous adjustment is made for staff members with disability, requiring that they be only charged reasonable parking fees and that accessible parking spaces be conveniently located. The PSA indicated that, when it inquired about the car parking entitlements for SA Health staff with disabilities, they were informed that the new car parking rules would supersede the existing arrangements.

SA Health staff with disabilities would be subjected to the new arrangements around paid parking at public hospitals. The new arrangements do not appear to contain the same adjustments as are outlined in paragraph 8-11 of the SA Health (Health Care Act) Human Resources Manual or at the very least do not contain adjustments that are expressed quite as clearly.

The PSA holds serious concerns—concerns that I, indeed, share—that SA Health employees with disabilities may be worse off under the new arrangements. Staff members have previously enjoyed personalised adjustments that greatly improved their ability to access their workplaces, and it would appear that such adjustments are not explicitly preserved under the new paid parking arrangements.

I am aware of one staff member at the Lyell McEwin Hospital who was previously given permission to park in an area ordinarily reserved for IMVS couriers, as the accessible parking spaces were located at a significant distance from where they worked within the hospital. When hospital upgrade works resulted in them being unable to use this parking space anymore, they were effectively forced to pay for parking at the neighbouring Elizabeth Vale Shopping Centre as they were unable to walk the distance from the existing accessible car park in the staff or visitors' car parks.

The employee is concerned that under paid parking arrangements they would have to continue parking at the shopping centre car park as there is no apparent protection of the sorts of adjustments they had previously enjoyed under this new policy. My questions are:

1. What does the minister understand the phrase 'conveniently located' to mean in the context of paragraph 8-11 in the SA Health (Health Care Act) Human Resources Manual?

2. Do the government's new paid parking arrangements at the state's public hospitals offer employees with disability the same entitlement to 'conveniently located' accessible parking spaces?

3. Do the changes to car parking therefore represent a significant change to the entitlement of SA Health employees with disabilities to accessible parking?

4. In particular, will the sorts of adjustments I outlined, which were enjoyed by the staff member at the Lyell McEwin, continue to be available to SA Health staff with disability under the new paid parking arrangements?

5. If the entitlement to accessible parking for SA Health employees with disabilities has changed, what exactly prompted that change?

The Hon. R.P. WORTLEY (Minister for Industrial Relations, Minister for State/Local Government Relations) (14:54): I thank the member for what is a very important question. There are two issues here. One is the car parking issue and there is also one about the car parking issue in relation to employees with disabilities. On 6 June 2012, the full Supreme Court delivered its decision in relation to an appeal by the PSA in respect to the Department of Health's car parking

policy and unanimously rejected the PSA's appeal. It also ordered that the PSA pay the state's costs of the appeal.

The Full Court found that car parking is not a condition of employment—that is, the PSA had not established that car parking is a condition of employment—and the Department for Health and Ageing had not breached the consultation provisions in the enterprise agreement. In effect, subject to any appeal to the High Court of Australia, SA Health can proceed with the implementation of its car parking arrangements. I have not had any discussions at all with the PSA regarding car parking provisions for employees with disabilities. What I will do is refer this to the Minister for Health in another place and find out what arrangements and discussions are ongoing with them regarding employees with disabilities.

LOCAL GOVERNMENT PLANNING DAYS

The Hon. CARMEL ZOLLO (14:55): My question is to the Minister for State/Local Government Relations. Can the minister please provide information to the chamber about state government support and sponsorship of upcoming regional local government planning days?

The Hon. R.P. WORTLEY (Minister for Industrial Relations, Minister for State/Local Government Relations) (14:56): I would like to thank the honourable member for her question. I am pleased to advise the chamber that my departmental officers are currently discussing with the executive officers the format for the next six regional local government planning days to be held in each of the six regions: the South East Local Government Association (SELGA), the Eyre Peninsula Local Government Association, the Central Local Government Region, the Murray and Mallee Local Government Association, the Southern and Hills Local Government Association and the Provincial Cities Association.

The executive officer of each regional local government association will be responsible for organising their particular planning day or forum, as it is the executive officers who have the greatest understanding of the format and content that best suits the needs of their region. Nevertheless, I am pleased to advise that they will receive strong support from me through the Office for State/Local Government Relations. This support will be financial, with funding of up to $5,000 to assist each planning day.

Additionally, the Office for State/Local Government Relations will provide organisational support. The office will ensure that the state agencies involved in each day provide information and, where appropriate, participate in discussions that are of most relevance and help to the particular region. I also emphasise that I do not expect that these days will simply be one-off events. It is my intention that the government will continue to support the regions to establish these planning days as annual events. This will ensure that our regions, which are crucial to a strong future for our state, have regular opportunities to discuss and progress what is most important to their communities.

CEDUNA QUARANTINE STATION

The Hon. J.S.L. DAWKINS (14:58): My questions are directed to the Minister for Agriculture, Food and Fisheries:

1. Given that the minister felt unable to rule out a relocation of the Ceduna Quarantine Station in this house on Tuesday 29 May, why is it that she was able to guarantee the future of the Ceduna facility via an email to ABC regional radio the following day?

2. Will the minister give that assurance about the station's future in this council?

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) (14:58): I thank the honourable member for his questions. By way of background, very briefly, the previous minister for agriculture, food and fisheries, Minister O'Brien, announced in April 2011—

The Hon. D.W. Ridgway interjecting:

The PRESIDENT: Order!

The Hon. G.E. GAGO: —that Biosecurity SA would engage with the Western Australian government on the viability of shifting the quarantine inspection duties currently undertaken at Ceduna to a shared operation at the quarantine checkpoint at Border Village on the WA/SA border. The notion was that it might not be entirely sensible to continue to operate two separate quarantine

facilities 500 kilometres apart on the same highway. The intention of the assessment was to identify potential for better collaboration and operational efficiencies while providing the same level of biosecurity and quarantine inspection.

A feasibility assessment has subsequently been completed by Biosecurity SA in association with Western Australia. The assessment tested the feasibility of relocating quarantine inspection operations from the current Ceduna site to the Border Village, Western Australia, quarantine office. There were considerations of the associated costs, including infrastructure and staff accommodation. Biosecurity SA also sought advice from the South Australian Department of Planning, Transport and Infrastructure on capital costs that would be required to provide the necessary site improvements for the South Australian highway side of the Border Village facility.

The assessment found that there would be no operational efficiencies associated with relocating the Ceduna quarantine inspection operations so, as I said, the assessment demonstrated that there were really no operational efficiencies to be made with sharing a facility. The assessment found that the annual recurrent funding would need to be increased and that a significant capital investment would also be required to cover site improvements and staff accommodation. I do not think that result is surprising, considering the established facilities already at both sites. However, I think this option was worth investigating, as the costs of maintaining the two facilities are significant.

I have subsequently noted the findings of that feasibility assessment and have agreed that there is, in fact, no value in the proposition to relocate our roadblock activities from Ceduna to Border Village. It was after I had received a question in this place that I requested information on where the feasibility assessment report was up to. The report had been completed, and it was furnished to me within a very short period of time after I requested it. The results were obvious to me, and having read that report I was able to make the decision that there was no advantage to proceeding with the option of relocating. I was able to assure myself there was nothing to be gained by that, and I made the announcement accordingly.

CEDUNA QUARANTINE STATION

The Hon. J.S.L. DAWKINS (15:02): I have a supplementary question. Why did the minister not advise this council of the decision, rather than emailing a radio station?

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) (15:03): I provided this place with the advice I had at the time. As I said, it was subsequent to that that I saw the feasibility assessment report. If I recall correctly, I think I received a media inquiry about the relocation, and that was probably the result of the questions in this council during the last sitting week. However, I will check that. I have asked that a response to the Hon. John Dawkins' question be expedited quickly, given that the report has been finalised and that I have made a decision. So the council will be informed through the answer to that question, and the honourable member can look forward to receiving that fairly quickly.

CEDUNA QUARANTINE STATION

The Hon. J.S.L. DAWKINS (15:04): I have a further supplementary question. Given that these events occurred in a sitting week, why did the minister not advise the council the day after the email was sent to the radio station that she had made that decision?

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for Tourism, Minister for the Status of Women) (15:04): There was no need to.

The Hon. J.S.L. Dawkins: I had asked you only two days earlier.

The Hon. G.E. GAGO: Well, so what? You will get your answer. I have said you will get your answer.

The Hon. J.S.L. Dawkins: So that is the way you work. You make a decision but, 'I'm not going to tell you about it for six months.'

The Hon. G.E. GAGO: He will get his answer. A public statement was made and it is there for all and sundry, as it should be.

DISABILITY ACCESS, PARLIAMENT HOUSE

The Hon. M. PARNELL (15:05): I seek leave to make a brief explanation before asking the President a question about access to Parliament House for people with disabilities.

Leave granted.

The Hon. M. PARNELL: As all members know, Old Parliament House has been off limits to members for a year or so, and now we find the building surrounded with hoardings, and the western access gates and the courtyard have been blocked off to enable building work to be undertaken. All members of staff, I understand, received an email from the Clerk of the House of Assembly, Mr Malcolm Lehman, which said:

> Accessible entry for the duration of the project will be via Festival Drive (off King William Road) through the Festival Centre car park pedestrian entry and then entry into Parliament House via the rear door. The rear door has been fitted with an intercom to Building Services for those requiring admittance or escort into the building...Signage advising of the temporary accessible entry arrangements will be posted along North Terrace.

Clearly, this new arrangement will add a considerable period of time for people wanting to access Parliament House from North Terrace, and there have also been concerns raised with me about the danger of people with disabilities (for example, in wheelchairs) needing to negotiate a car park in order to access Parliament House. My questions of you, Mr President, are:

1. How long is it expected the current arrangements will be in place?

2. Will those visitors to Parliament House with disabilities who are used to obtaining a temporary car park permit and parking directly in front of Parliament House on North Terrace be provided with similar free temporary parking in the Festival Centre car park?

3. What options for alternative temporary entry points to Parliament House have been considered, such as opening the eastern door and constructing wheelchair ramps, to avoid the need for visitors to access Parliament House through the Festival Centre car park?

The PRESIDENT (15:07): Thank you very much for your very important questions. In response, perhaps I will go back to some of the stuff that has been done when the JPSC, in particular, knew about the changes and the inconvenience they were going to cause first up. We did seek expert advice as part of the engagement of the project managers and architects for Old Parliament House in relation to access to the main Parliament House building. Some of those things that you have mentioned that were in the correspondence received from the Clerk of the House of Assembly were right. They have been implemented and are ready for access.

In answer to your question about how long, we think 18 months. We hope less, but we think it would be safe to say 18 months. When building, you never know; but we hope it would be no more and we hope it will be less.

An honourable member interjecting:

The PRESIDENT: Interjections are out of order, even when the President is on his feet. There is a car park that is kept aside for anyone who needs it. If that is not sufficient, there should be some correspondence or some issue raised with a member of the JPSC so that can be taken on board. There was consideration given to access on the eastern side of the building. The problem with that was it was a great expense, but the main reason was that it was going to require a steep ramp with an 11 to 12 metre drop and also the dangers that come with that because of the traffic that goes past that area.

If there are any other problems that come out of the building work regarding access they should be raised immediately with a member of the JPSC. The members of the JPSC in this house are the Hon. John Gazzola, the Hon. John Dawkins and me. Any of those members would take matters to the JPSC for consideration.

DISABILITY ACCESS, PARLIAMENT HOUSE

The Hon. K.L. VINCENT (15:09): I have a supplementary question. Is the honourable President willing to tell us who exactly provided that expert advice on which this decision was made?

The PRESIDENT (15:09): I do not know their names, but they were the project manager of the new arrangements for Old Parliament House and the architects.

DISABILITY ACCESS, PARLIAMENT HOUSE

The PRESIDENT: There is a further supplementary.

The Hon. K.L. VINCENT (15:10): Were you right, Mr President, that no specific disability—in terms of actual disability consultant—advisors were engaged in this project?

The PRESIDENT (15:10): I could only find out for you and get back to you on that, but I believe so.

VOLUNTEERS DAY

The Hon. J.M. GAZZOLA (15:10): My question is to the Minister for Volunteers: will he inform us about the recent Volunteers Day celebrations?

The Hon. I.K. HUNTER (Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (15:10): I would like to thank the honourable member for his most important question. The 2012 Volunteers Day celebration and Volunteers Awards presentations were held on Monday, 11 June. The celebration is an opportunity to thank our volunteers in South Australia and recognise their contribution to our community. The award presentations recognise and thank individuals, organisations and community groups who have significantly impacted on their local communities.

I was joined on this day by His Excellency Rear Admiral Kevin Scarce, Governor of South Australia, and Mrs Scarce, as well as the Premier, the member for Light and the member for Morphett from the other place. The 2012 event was staged in collaboration with the Adelaide Festival Centre and included some wonderful performances by Ms Debra Byrne who, I am told, was a star of the original *Young Talent Time* show, which honourable members may be aware of and remember—somewhat before our time for a few of us, but I am sure others have very fond memories of Debbie Byrne and her performances.

Another quite renowned star was Ms Eden Espinosa, a singer and actor from California, and both these stars are here as part of the Adelaide Cabaret season. Mr Peter Goers was MC for the day's celebrations, and the event was well coordinated by the Office of Volunteers. I must say I was encouraged to see so many volunteers at the Festival Theatre, and I took the opportunity to chat with many of them at this very popular event.

Apart from the wonderful entertainment, the highlight of the afternoon was the presentation of the awards by the Premier and His Excellency the Governor. The Premier's Award for Corporate Social Responsibility, which recognises the business sector's contribution to the community, was awarded to People's Choice Credit Union. People's Choice Credit Union's long-running Community Lottery has been assisting not-for-profit organisations for a number of years. Since 2007, over 1,400 community groups here in South Australia have been supported through that lottery.

The Joy Noble Medal is South Australia's highest distinction for an individual volunteer, and this year it was won by Mr Kevin Lewis Roberts. Mr Roberts has been giving back to his community for over 50 years, including his efforts in leading the Rotary District 9520 Bushfire Community Recovery Project in support of the bushfire affected areas of Victoria in 2009.

This year's Andamooka Community Project Award was awarded to the Hawker Revegetation Project. The Andamooka recognises volunteers who have undertaken a project that has resulted in significant community benefit. The Hawker Revegetation Project has shown outstanding volunteer involvement, leadership and service to the region of Hawker.

I would like to congratulate the winners of South Australia's volunteering awards; their commitment to their communities is to be applauded. South Australia is a rich, diverse and vibrant state enriched by the goodwill of so many volunteers who embody the spirit of our community. I thank volunteers for all the wonderful work they do on behalf of all of our communities.

CUSTOM COACHES

The Hon. D.G.E. HOOD (15:14): I seek leave to make a brief explanation before asking the minister representing the Minister for Manufacturing, Innovation and Trade a question about a report of a local manufacturer being bought out by an overseas company.

Leave granted.

The Hon. D.G.E. HOOD: It has been reported in a Scottish newspaper (the *Daily Record*) overnight that Falkirk-based Alexander Dennis Ltd has taken control of Sydney-based Custom

Coaches in a deal reported to be worth £25 million. Custom Coaches manufactures bus bodies and employs around 400 people at factories in Sydney and here in Adelaide.

An honourable member interjecting:

The Hon. D.G.E. HOOD: Indeed. It is reported to have annual sales of around £55 million and a 24 per cent market share or thereabouts of the Australian bus market. It has been suggested to me that our government has not had a policy of encouraging the purchasing of locally produced models where possible and that this has contributed to the decision (at least, as it has been suggested) for Custom Coaches to restructure its arrangements and, indeed, ultimately to be subject to a takeover bid. This is obviously of great concern to the future of the Adelaide operations in particular and the South Australian manufacturing base in general. My questions to the minister are:

1. Is the government aware of the sale, as it has been announced only overnight in Scotland?

2. Is it the case that the Sydney plant will continue operations but, as I am being told, the Adelaide plant may close within the foreseeable future as part of a rationalisation of production, as the rumour mill currently suggests?

3. Will the government introduce a policy of encouraging school bus operators to purchase Australian manufactured buses where possible and, indeed, South Australian where possible and appropriate?

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for Tourism, Minister for the Status of Women) (15:16): I thank the honourable member for his most important questions. I will refer them to the Minister for Manufacturing, Innovation and Trade in another place and bring back a response.

CADELL FERRY

The Hon. J.S. LEE (15:16): I seek leave to make a brief explanation before asking the Minister for Regional Development questions about the closure of the Cadell ferry.

Leave granted.

The Hon. J.S. LEE: As reported last week across the newspapers and on the radio, the state government has announced that it will not renew the contract for the Cadell ferry, which expires on 2 July 2012. Danny McGurgan, Chairman of the Cadell Community Tourism Group, stated on ABC rural radio on Friday 8 June, as follows:

> It's come as a shock actually...basically the community had no idea until Monday and it seems to be a reasonably rushed type of proposal.

With the closest ferry to Cadell being Morgan, Danny McGurgan confirmed, as follows:

> There's so many issues...I don't think they've done their homework...they have no idea of the amount of traffic Morgan gets at different times of the year. This is going to be such an imposition on Morgan residents also...on long weekends, the traffic at Morgan backs up two to three ferry loads now as it is. Tourists and agriculturalists who use the Cadell ferry have already raised their concerns. For example, Grape Growers do 500 trips across a year with their harvest and all their equipment, they're going to have to go through the towns of Morgan and Waikerie with their grape harvest and all their tractors, and they are worried about safety concerns.

My questions are:

1. Can the minister explain why no consultation was done with the Cadell community before announcing the decision not to renew the ferry licence?

2. As the Minister for Regional Development, the Minister for Agriculture, Food and Fisheries and the Minister for Tourism, can the minister explain the economic and social impact to the Cadell community due to the ferry closure?

3. How will the minister advocate for the industries she represents in the Cadell area?

4. Will the government reconsider its position about the closure?

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 important questions. The Department of Planning, Transport and Infrastructure is responsible for operating the 24/7 ferry service at

11 locations along the River Murray. I am advised that there are currently 12 ferries in operation on the River Murray, and two are located at Mannum. In total, DPTI has a fleet of 14 River Murray ferries (two spare), which comprises nine steel hull ferries and five timber hull ferries. Ferry services are currently provided by the state government free of charge to the public, and the services are provided by contracts awarded by DPTI.

I have been advised that Cadell has the second lowest usage of all the ferry services, with the closer alternative river crossing being within 11 kilometres. Approximately 100 vehicles use the Cadell crossing per day, with zero to three vehicles per day travelling between the hours of 10pm and 6am. Alternative river crossings to Cadell are downstream at the Morgan ferry (11 kilometres) and upstream at the Waikerie ferry (29 kilometres).

The Cadell district has a population of approximately 100 people, I am advised, with the township consisting of a small primary school, a community club, a recreational reserve, a local store and a Country Fire Service station, which are all located on the southern side of the river.

Narrung has the lowest usage of all ferry services, with approximately 78 vehicles using the crossing per day. However, I am advised that there are no other alternative crossings nearby and users would be required to travel in excess of 60 kilometres around Lake Albert to find an alternative ferry crossing. Members may recall a previous attempt in 1991 to close the Cadell ferry service, and concerns from the community were based on the impact to a locally based fruit packing company, River Fresh, which closed in 2008.

Another issue was that an alternative access road to Morgan was via an unsealed council road, and that road I am advised has now been sealed. There is an ever increasing cost associated with operating the existing River Murray ferry services, including increased ferry operator costs and maintenance of the fleet, and it is expected that the closure of the Cadell ferry service from 30 June 2012 will allow the state government to avoid a capital investment of $2.5 million to replace one of the ferries, I am advised.

It is the intention of the state government to cease operating the Cadell ferry service from 30 June 2012, when the current contract expires, and reinvest the $400,000 annual expenditure in other ferry upgrades along the River Murray. I understand that members of the community are invited to attend a meeting, which is planned for Thursday 14 June at the Cadell Institute at 7.30pm.

CADELL FERRY

The Hon. J.S.L. DAWKINS (15:22): By way of supplementary question, would the minister consider referring this matter to the Regional Communities Consultative Council for its consideration of the severe impact of this decision on the community of Cadell?

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for Tourism, Minister for the Status of Women) (15:22): The government has made the decision to close the ferry.

TOURISM

The Hon. G.A. KANDELAARS (15:22): I seek leave to make a brief explanation before asking the Minister for Tourism a question about the latest tourism attraction for South Australia.

The PRESIDENT: You don't want that, minister?

The Hon. G.E. GAGO: No.

The PRESIDENT: Time having expired for question time, I now call on the business of the day.

ANSWERS TO QUESTIONS

BAY TO BIRDWOOD

In reply to the **Hon. J.S.L. DAWKINS** (27 September 2011) (First Session).

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

1. The Bay to Birdwood Run (vehicles manufactured prior to 1955) and the Bay to Birdwood Classic (vehicles manufactured between 1955 and 1976) are held on the last Sunday in

September in alternate years. The Bay to Birdwood Classic was conducted on Sunday 28 September 2011. The 2012 Bay to Birdwood Run will be conducted on 30 September 2012.

Traffic management of the Bay to Birdwood Run has incorporated one way traffic flow between Tea Tree Gully and Birdwood since 1982. The Bay to Birdwood Classic incorporated one way traffic flow up to 2007.

In order for one way traffic flows to be safe, they require a constant flow of traffic utilising the incorrect side of the road to ensure that other traffic can see that there is a one way in operation. Observation of previous events, monitoring police radio communications during the events, and debrief comments from all parties have shown that participants do not utilise the one way traffic flow provided. It is not physically possible to block all possible access points to the roadway to prevent vehicles travelling in what is the normal direction of travel. The large number of spectators add to the risk by attempting to drive from/to vantage points along what is the normal direction of travel of the roadway. These factors have led to a determination that granting a one way flow is dangerous to all road users. One way traffic flow was removed from the 2009 Bay to Birdwood Classic and was not used in 2011. In recent years, one way traffic flows have similarly been removed from the Oakbank Race meeting and the Motor Cycle Riders Association Toy Run.

Staff from South Australia Police's (SAPOL) specialist event planning area are involved in on-going discussions with event organisers. Based on the risk assessments that have been conducted, it is not intended to provide a one way traffic flow for the 2012 Bay to Birdwood Run.

2. The route for the 2012 event has not been established as yet. Discussions with organisers include consideration of a number of issues. For example, the disparity in speeds of vehicles involved in the Bay to Birdwood requires multiple lanes for each direction of traffic to allow safe overtaking by traffic without causing undue danger to other road users. This is required both on the way to the event and also after the event has concluded when the vehicles return home.

When the event commenced in 1982, there were no extended shopping hours adding to the traffic quantity on a Sunday morning. The number of registered vehicles on Adelaide roads was also less. Traffic congestion from West Beach to Tea Tree Gully has become a serious issue with the diagonal route across metropolitan Adelaide now encountering 45 traffic light locations. Traffic light co-ordination is used to provide an extended green light period but SAPOL's primary concern remains the safety of participants, observers and other road users. Discussions with the organisers and all parties concerned will be guided by that concern.

COMMISSIONER FOR PUBLIC SECTOR EMPLOYMENT

In reply to the **Hon. J.A. DARLEY** (5 April 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 Hon. J. Darley asked a similar question of the Commissioner for Public Sector Employment at the Budget and Finance Committee Meeting on 19 March 2012. The Commissioner responded that he had not conducted any reviews of departments, he had not been requested to, nor had he done so of his own volition.

The question may relate to reviews of public sector employment matters, conduct or discipline rather than departments, in which case I advise the following.

The Commissioner for Public Sector Employment has a role in providing advice on and conducting reviews of public sector employment matters as required by the Premier or the Minister or on the Commissioner's own initiative. The Commissioner can also investigate or assist in the investigation of matters in connection with public sector employee conduct or discipline as required by the Premier or at the request of a public sector agency and investigate such matters on the Commissioner's own initiative (including on receipt of public interest information under the *Whistle Blower's Protection Act 1993*).

Since Mr Warren McCann has held the position of Commissioner two full investigations have been conducted at his instigation. Several other matters have been referred to agencies for investigation with the requirement to report the outcome back to the Commissioner for review. A number of other matters relating to general employment issues have also been considered and advised on at the request of the Premier or Minister.

TAFE SA BILL

Adjourned debate on second reading.

(Continued from 31 May 2012.)

The Hon. T.A. FRANKS (15:24): The Greens rise today to speak on the TAFE SA Bill 2012 and indicate that this will also be inclusive of our position on the Statutes Amendment and Repeal (TAFE SA Consequential Provisions) Bill. We sincerely thank the Minister for Employment, Higher Education and Skills and his staff for a briefing, in particular the minister's adviser Ms Anna Bradley, Raymond Garrand and Clare Feszczak from DFEEST, TAFE SA. I would also like to acknowledge the work of the Australian Education Union's federal TAFE secretary, Pat Forward, and the AEU SA branch, who have held a strong stand in defending a progressive and dynamic public TAFE system. I would also like to thank Joy De Leo from ACPET for providing a submission to my office on this bill.

The bill before us sets TAFE SA as a separate government-owned statutory authority. The government has assured us that this will give TAFE SA greater commercial autonomy and provide financial independence. What it is not able to assure us of is what the outcome of this move will be for the role of VET in this state. The Greens, both in this state and across the nation, at federal, state and territory level, have pushed for a well funded and resourced, functioning, public TAFE sector.

The Greens support publicly owned and accountable vocational education and training, not a sector which is privatised. We do so because there are principles of the role of vocational education and training that should not be left to chance, to markets or the whims and demands of students. The needs should be driven by government. That is the role of government, to ensure we have a strong VET sector. We do so because education and training is an investment and should not be viewed as a cost. It should also not be viewed as a private profiteering market option.

The bill before us paves the way for corporatising TAFE in South Australia. This move is against the Greens' fundamental position of defending a strong and publicly owned TAFE, with funding prioritised for public VET courses. We argue that private providers play a very important role in delivering courses that TAFE cannot deliver, but we do not support full contestability and competition between TAFE and private VET providers for all courses. That has been disastrous in Victoria, it has downgraded the public TAFE system there and we think it is a step too far to take in any other jurisdiction.

Our principle is that vocational education and training should be primarily provided through the public TAFE system, while the community and not-for-profit VET sector should also be supported. Government must ensure that public funding of private providers of VET and businesses that supply training opportunities does not diminish the viability of public TAFE services, expertise or facilities, and if this cannot be guaranteed then the risk is too great. We ask: where TAFE can provide the same educational and training outcomes as private providers, what role is there for private sectors in those operations?

It is almost like being the child in the emperor's new clothes to ask such a simple question, but the reason we do so is because our vision for a TAFE sector where education is an investment not a cost is borne out by the economic benefits that could come to the South Australian economy from maintaining this position. We point to the 2006 Allen Consulting Group report in New South Wales, which has found that for every dollar invested in the New South Wales TAFE system $6.40 is generated to that state in long-term economic benefits. Those benefits include: improved productivity, higher wages and, of course, greater employment.

We recognise that public TAFE also particularly benefits regional economies and disadvantaged communities. Those least able to access the opportunities of our societies need to be given that government support and we are strong defenders of that. TAFE provides skills to build local economies and create opportunities for people who would otherwise be shut out of our society or confined to very low paying jobs. TAFE can create the workforce flexibility to adapt to changing economic circumstances by uniquely combining education with vocational training. This can create an engaged and innovative workforce, capable of taking on the new skills that we need in our ever-changing economy and structures of society.

At no point have we seen such a constant as change being the only thing we can expect in our futures. We see it with technology and we see it with the rapid globalisation of our planet. On 13 April at the relevant COAG meeting, the South Australian government signed up for the reforms that are attached to the national partnerships and these reforms include the expansion of income contingent loans and a national entitlement to training, which can be used at either public or private providers in the sector. The National Agreement for Skills and Workforce Development received

$7 billion in funding nationally from the federal government over five years, with federal funding for TAFE and VET; in South Australia that component being $516.7 million over that next five years.

The National Partnership Agreement for Skills Reform will be $1.7 billion over five years and South Australia's share is looking at being $127 million over that same time. It is a reward in introducing the Skills for All that we are going to get from the commonwealth. Some of the criteria, of course, are the income contingent loans and the national entitlements, which is a form of voucher system which the students will be able to access which detaches the funding from TAFE and is in fact attached more to the student to be able to use that voucher. It is applicable to either public or private providers and this is the basis of Skills for All and why the Greens cannot support this bill.

The total federal government funding for SA over these next five years from these national agreements is $643.7 million, so we are roughly 7 per cent of the national VET system, with total revenue in 2010 according to the most recent figures I had access to being about $430.6 million annually. So, I ask at this point that given the federal share of SA VET funding is about 29 per cent of total revenue and 38 per cent of total government revenue, can the minister clarify whether the commonwealth can offer this entitlement only and solely to TAFE? I understand that is the case.

Before we proceed further with this bill, a very pressing issue is the National Agreement for Skills and Workforce Development's requirement to implement a national training entitlement up to certificate III or an implementation plan. I am aware that the union at the very least, the AEU, has written to the premiers of each state, and I have seen a copy of the letter to Premier Weatherill, calling for the release of the implementation plan. So, at this point, I echo that call and note that if we are to proceed with this bill we need to see the fine detail and we need to have that implementation plan tabled in this council.

In addition to that requirement, states were required to put in place a number of measurements to protect TAFE institutes including specifically measures which recognise their role in industry in regional and local communities, high level training and workforce development and improved skill and job outcomes for disadvantaged learners. Of course, my questions to the government are: can they outline how they intend to achieve these goals? How will they ensure that there are concrete measures to support and guarantee the long-term survival of TAFE in South Australia with the passage of this bill?

I have some amendments to this bill which I will get to in committee. They are largely to do with the governance and also defining the unique role of TAFE as a public institution of great importance in vocational education and training to our state. I will discuss those as we move into committee. With that, I indicate that the Greens are happy to have this debate. We will vote to move into the second reading stage, but certainly at this stage we are not assured that the risk is not so great that we will be convinced that it is worth supporting this bill in the third reading.

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

MENTAL HEALTH (INPATIENT) AMENDMENT BILL

In committee.

(Continued from 31 May 2012.)

Clause 4.

The Hon. T.A. FRANKS: I ask the government in what other jurisdictions in Australia are there titles for inpatient treatment orders that include the word 'involuntary'?

The Hon. R.P. WORTLEY: While we are getting that information, I have information addressing some of the questions asked by the Hon. Ms Lensink. On the matter regarding the circumstances of ECT for minors, electroconvulsive therapy is a psychiatric treatment most commonly used to treat the symptoms of depression. During ECT a series of brief or ultra-brief electrical impulses is administered, prompting seizures. Patients are anaesthetised so movement is barely obvious and nothing like the way it is presented in the movies.

Studies indicate that about 80 per cent of patients with severe depression experience dramatic improvement after ECT, even where medication and therapy has failed. For patients who are suicidal ECT can be life-saving. ECT for a child under 16 has only occurred once in the last five years. It is only ever a last resort treatment for this age group, where an illness such as depression is intractable and not responding to any other therapeutic measures.

The checks and balances within the act include that, where ECT is given urgently or it is not practicable to obtain consent, the psychiatrist must provide approved written notice to advise the chief psychiatrist within one business day. Contravention of ECT provisions carries a maximum penalty of $50,000 or four years' imprisonment.

On the matter of the circumstances that led to the ECT amendment in the government's bill, the circumstances that led to the amendment in this bill have been explained and addressed in the amendment moved by the Hon. Ann Bressington MLC. Have you been given that explanation?

The Hon. J.M.A. Lensink: Why don't you just read it out?

The Hon. T.A. Franks: We got an email last week, and a letter today.

The Hon. R.P. WORTLEY: In response to the request on the Community Visitor Scheme, the South Australian Community Visitor Scheme commenced 11 June 2010. The Mental Health Act mandates that each approved and limited treatment centre has a visit and inspection by two or more community visitors at least once a month. Community visitors inspect any and all areas of the treatment centres used to provide treatment, care and rehabilitation to people experiencing mental illness.

The scheme functions under the direction of Mr Maurice Corcoran, Principal Community Visitor, and has a further 18 people appointed to the role of community visitor. Community visitors are volunteer appointments, and generously give anywhere between 2½ and as much a 16 hours per month of their time to conduct visits and inspections. On average, each unit takes at least 1½ hours to perform a thorough visit and inspection, but it can take as long as three hours or even up to half a day of intensive visiting. Community visitors then spend additional time working on drafting reports, which the act requires to be submitted to the PCV following any visit and inspection of the treatment centre. Reports submitted to the PCV are in confidence.

Since the scheme's commencement, community visitors have conducted 157 mandated visits and inspections to 12 gazetted treatment centres and a further 42 requested visits to individual mental health patients within centres. The scheme is currently working on developing its first full-year annual report for submission to the Minister for Mental Health and Substance Abuse to be laid before both houses of parliament. The Community Visitor Scheme budget for 2012-13 is yet to be confirmed.

In response to matters raised by the Hon. Robert Brokenshire, I would like to acknowledge and thank the Hon. Robert Brokenshire MLC for his interest in and support of the Mental Health (Inpatient) Amendment Bill. The honourable member has raised issues in this place that are important in the context of the care and treatment of people with mental illness. These issues include how to best increase treatment and care capacity to assist mentally ill patients to overcome drug or alcohol misuse or addiction.

The government agrees that all appropriate avenues and efforts to address drug and alcohol misuse by anyone, not just those with a mental illness, should be taken in our community. The Mental Health Act 2009 requires treatment and care plans to describe any rehabilitation services and other significant services available to the patient. Drug and Alcohol Services SA works closely with mental health services.

I would like to indicate here today that the government is willing to consider this issue, along with suggestions by the honourable member to expand annual reporting requirements for the Public Advocate and the Chief Psychiatrist within the context of the review of the act, due to commence on 1 July 2013. The matters that the honourable member has raised in this place require proper thought and consideration, as well as appropriate consultation with consumers, carers and services—all of which can best occur within a structured and planned review process.

The ACTING CHAIR (Hon. J.S.L. Dawkins): The minister has some further responses, but the Hon. Ms Bressington has the call.

The Hon. A. BRESSINGTON: I am happy to wait if the minister wants to answer the Hon. Michelle Lensink's question first.

The Hon. R.P. WORTLEY: There are some states, but not all include reference to 'involuntary'. Several states are in the process of reviewing the mental health legislation.

The Hon. A. BRESSINGTON: I just have a question for the minister on ECT for minors. I am just wondering how many children under the age of 16 nationally have been administered ECT, and what are the findings of that cohort of people on, first, the long-term effects of ECT and,

secondly, how effective it has been in not only postponing but preventing suicidal tendencies? Also, why did it seem to be necessary to override parental consent to ECT for minors?

The Hon. R.P. WORTLEY: There has only been one in the last five years in South Australia.

The Hon. A. BRESSINGTON: So, if there has only been one ECT administered to someone aged 16 years or under in the last five years, what are we using as a measure for the necessity for this in the first place, and what research backs that up? Again, I ask: why is it necessary to override parental consent?

The Hon. R.P. WORTLEY: We are not changing the act at all in regard to parental permission for ECT; and research is limited in regard to ECT on children, but all indications are that it is the same as adults.

The Hon. T.A. FRANKS: Returning to clause 4, given that you have indicated that some states do, indeed, use the word 'involuntary' with regard to inpatient treatment orders, or similar language—I would indicate that at least Victoria and Queensland use that terminology—I would ask, given that you have indicated that they may be possibly reviewing their acts, are you indicating that Queensland and Victoria are currently reviewing their mental health acts with regard to this language?

The Hon. R.P. WORTLEY: Yes, Victoria is currently reviewing its act.

The Hon. T.A. FRANKS: The question was specifically with regard to the involuntary nature of the language with regards to the terms of inpatient treatment orders. Are you aware that that is, in fact, something that they have found cause to review?

The Hon. R.P. WORTLEY: Victoria is reviewing the entire act and we really do not have the information as to whether that is part of the review. With regard to South Australia, we believe it is unnecessary to insert 'involuntary' as, by definition, any order under the Mental Health Act is involuntary.

The Hon. T.A. FRANKS: In the consultations with regard to the development of this bill, that was the crux, I do believe, of the minister's aim to lead to destigmatisation of the language. Is there any concern that in trying to call a shovel a shovel or a spade a spade, we are in fact calling a shovel and a spade a spoon?

The Hon. R.P. WORTLEY: No.

The Hon. T.A. FRANKS: Which groups supported the removal of any indication that this inpatient treatment was, in fact, involuntary? Were the annual reports of the Office of the Public Advocate, which have raised concerns about the diminution of the language, considered in the consultations around this particular bill?

The Hon. R.P. WORTLEY: There was quite broad consultation. The Office of the Chief Psychiatrist monitors the use of the act and the number of patients admitted under an involuntary order. If there is an increase in the use of these orders it will certainly come to attention.

The Hon. T.A. FRANKS: With respect, minister, my question is not about the consultation with the Chief Psychiatrist but with the stakeholder groups, in particular consumers and carers. It is all very well to have legal language and to have a bill that is supposed to be simplifying the language but if that does not translate into something meaningful for consumers and carers then it is not having the effect that, in fact, I think the minister would like this bill to have. My question is: which consumer and carer groups that were consulted supported not having a word such as 'involuntary' denoting the seriousness of these treatment orders?

The Hon. R.P. WORTLEY: My advice is that all consumer and carer groups were consulted.

The Hon. T.A. FRANKS: I repeat my question: which of them thought that the language should be diminished so far as to take out an indication that the treatment was involuntary?

The Hon. R.P. WORTLEY: All the consumer groups that were consulted supported the removal of 'detention' within the act.

The Hon. T.A. FRANKS: That is right. Yes, I understand that the word 'detention' was seen as not appropriate; however, was the word 'involuntary' tested and seen as inappropriate?

The Hon. R.P. WORTLEY: There was consultation on the current wording of 'inpatient treatment order', and that received significant support.

The Hon. T.A. FRANKS: I move:

Page 3, lines 1 to 4 [clause 4(2), inserted definition *of inpatient treatment order*—Delete the definition of *inpatient treatment order*

I will not labour the point too much, but I do so in terms of ensuring that we at least have on the record that these are serious treatment orders that we are considering. The use of the word 'involuntary', I would posit, does not promote stigma, would not lead to any practitioner not availing themselves of the legislation in this case but would, in fact, provide clarity to a consumer or carer of the exact nature of this order.

I have moved this amendment with the assumption that I do not have the numbers, but I urge the government to keep this on the radar for the review of this bill and to have a look at the consultation process which was undertaken about this bill, which was specifically about language and yet did not test some of the final wording in a way this sector of consumers and carers are happy with, because they have approached the Greens with this suggested amendment.

The Hon. R.P. WORTLEY: I understand that the intention of these amendments is to address concerns that the omission of reference to the compulsory nature of this treatment order takes the government amendment too far and now fails to accurately describe what the term actually means. The government does not support this amendment, as the redrafted sections 34 and 34A already cover off on the detention and confinement aspects.

The use of the word 'order' already gives the effect of the treatment being involuntary. Removing the emphasis on the involuntary aspects refocuses towards the treatment and care aspects. To make reference in the title of the order to compulsion is counter to the destigmatisation purpose of the bill. If there is any confusion, it is addressed by the information contained in the statement of rights that must, under the act, be provided to the patients and their carers.

The statement explains the involuntary nature of the order; that is, that aspects of a person's rights have been taken from them. Fear is what stops many people getting the help they need when mentally unwell, because for too long we have emphasised the taking away of rights and freedoms and not focused on the importance of getting the right care and treatment as early as possible.

The Hon. T.A. FRANKS: Does the minister understand that, in this case, the consumer will not actually be seeking an involuntary order but will be having one issued upon them without any choice?

The Hon. R.P. WORTLEY: The patient is given a statement of rights, which explains their rights under the act.

The Hon. T.A. FRANKS: I simply point out a challenge to the assumption that this in fact serves to reduce stigma and will ensure that somebody seeks help, because in fact that is not the case in this situation, and I urge the government to review this when it reviews the overall act.

The Hon. J.M.A. LENSINK: I commend the Hon. Tammy Franks for this amendment in that I think she identifies what is a problem within the Mental Health Act, and I have considerable sympathy for what she is proposing. I agree that this act is very difficult to interpret for users and consumers. However, the problem the government has highlighted in its written response to a number of us is that it may actually cloud the act. Given the time we have to consider this, and also given that the Royal Australian and New Zealand College of Psychiatrists has said that it does not support it, and the fact that the Liberal Party has not received any formal submission from any other organisations, I encourage them to participate in the process and certainly we look forward to a review of the act in future.

Amendment negatived; clause passed.

New clauses 4A, 4B and 4C.

The Hon. T.A. FRANKS: I move:

Page 3, after line 15—After clause 4 insert:

4A—Amendment of section 24—Treatment of patients to whom level 1 orders apply

(1) Section 24(1)—delete 'or any other illness'

(2) Section 24(4)—delete ', or to prescribed treatment within the meaning of the *Guardianship and Administration Act 1993*'

4B—Amendment of section 28—Treatment of patients to whom level 2 orders apply

(1) Section 28(1)—delete 'or any other illness'

(2) Section 28(3)—delete ', or to prescribed treatment within the meaning of the *Guardianship and Administration Act 1993*'

4C—Amendment of section 31—Treatment of patients to whom level 3 orders apply

(1) Section 31(1)—delete 'or any other illness'

(2) Section 31(3)—delete ', or to prescribed treatment within the meaning of the *Guardianship and Administration Act 1993*'

I ask the government to outline where else a practitioner outside the area of expertise would be given this authority to treat without it being in their sole area of expertise. My example given was whether we will see psychiatrists able to order abdominal surgery and what safeguards have been put in place to ensure that this would not happen?

The Hon. R.P. WORTLEY: With regard to the Hon. Ms Franks amendment, I understand the intention of these amendments is to address concern that a person under an inpatient treatment order can also receive treatment for any other illness during the period of order, even if he or she cannot give or refuses consent to that non-mental health treatment. On the face of it, I understand the concerns; nevertheless I do not necessarily agree that applying the provisions of the Guardianship Act to authorise consent to physical treatment, while a person is under provisions of the Mental Health Act, would be in the person's best interests.

The government does not support this amendment because, when a person is mentally unwell, his or her physical health is also vulnerable. Many people with recurring or cyclic mental health illness have reduced life expectancy because of physical neglect that often accompanies their mental state. It is not always possible to separate physical and mental health issues. Feedback from carers' consumer representatives states quite strongly in some cases that treatment for illnesses other than mental illness should stay in the act. An inpatient who is very depressed may self harm, require sutures to repair wounds and antibiotics to avoid infection. Another may require enforced regurgitation of ingested tablets following an overdose attempt.

There would not appear to be any benefit to a person under an inpatient treatment order, who is in a delusional state or lacking insight and refusing to comply with, for example, their diabetes or anti-hypertension treatments, to have to attend a hearing of the Guardianship Board and have a guardianship order with section 32 powers placed on them in order to ensure their physical wellbeing. It would not be in accordance with the principles of the Guardianship and Administration Act, nor the Mental Health Act. It is better for someone to complain that they were made well, without their consent or against their will, than to have an injury go untreated or their health deteriorate when they are mentally impaired and subject to an order.

Prescribed treatment under the GAA includes termination of pregnancy and sterilisation (to make infertile). These are significant and specialised procedures. It is essential that decisions about them are addressed under the provisions of the GAA and scrutiny of the Guardianship Board, and that they are not dealt with as part of mental and general health care. Therefore, the clause should remain.

The Hon. J.M.A. LENSINK: The Liberal Party agrees with the government on this amendment.

New clauses negatived.

Clause 5 passed.

Clause 6.

The Hon. A. BRESSINGTON: I move:

Page 4, line 15 [clause 6(1), inserted paragraph (c)(iii)]—After 'or' insert:

, if consent cannot be given by the parent or guardian,

As I detailed in my second reading contribution, this amendment seeks to affirm the parental responsibility and, dare I say it, the right to say no to their child undergoing electroconvulsive therapy. The bill currently enables a psychiatrist, who insists upon a child having ECT, to

essentially appeal a parent's refusal to the Guardianship Board. My amendment will retain the ability for the Guardianship Board to determine a request for ECT in those cases in which a parent is unable to provide consent, say due to incapacity. However, those parents able to make decisions on their child's behalf will be empowered to do so and their decision will be respected and not sought to be overruled by a psychiatrist intent on administering ECT.

I am aware that the minister has sought the assistance of the SA branch of the Royal Australian and New Zealand College of Psychiatrists to oppose my amendment, to which they dutifully complied. In doing so, they argue that ECT on minors is rare but that where, and I quote:

> ...consent for ECT is denied by a parent or guardian and a psychiatrist forms the opinion that ECT may be potentially lifesaving for the child, it would be in the best interest of the child for the decision to be referred to an independent statutory authority such as the Guardianship Board.

Putting aside their clear disregard for the views of parents, the college frames the government's proposal in the context of 'potentially lifesaving for the child'. While I have argued that ECT is not the same as a blood transfusion or surgery to remove appendix or any other urgent type of lifesaving treatment, even if it is considered to be lifesaving, nothing in the government bill or the Mental Health Act 2009 requires the Guardianship Board to assess whether the use of ECT is lifesaving or even potentially lifesaving in the circumstances. There are no guidelines as to what 'lifesaving' means, no guidelines at all.

In fact, the only statutory assessment that I can find is in subsection 42(1) and that is merely whether the patient has a mental illness and, if so, whether ECT has been authorised for treatment of the illness by a psychiatrist who has examined the patient, which in these circumstances will be the psychiatrist applying to the Guardianship Board for consent. Nothing compels the Guardianship Board to adjudicate on whether ECT is lifesaving in the circumstances nor despite its current practice to hear from the parents who are objecting to its use. How this can satisfy anyone that this safeguard warrants overriding—and, in effect, ignoring—a parent's decision is absolutely beyond me.

I could give some examples of where children may have been sexually abused, and that is the reason for their depression and they have only ever disclosed that to their parents. Their parents may be in the process of having that sexual abuse dealt with. A psychiatrist would then come along and say, 'No, we will just administer ECT because this child is suicidal and depressed,' and the parents know full well what the cause of this is and are taking action to have the matter resolved and dealt with, and their right to seek the treatment that they believe is appropriate for their child is then overridden by a psychiatrist. I urge members in here who have children to step back and think whether you really want this kind of interference when parents are capable of making decisions in their child's best interest. Do you want that right to remain in the hands of a psychiatrist who may not know what has gone on in that child's life?

The Hon. R.P. WORTLEY: The government does not support this amendment. The intention of the new wording of section 42 in the government's Mental Health (Inpatient) Amendment Bill is to make it clear that parents and guardians are empowered as consent providers where ECT is to be administered to children. This authority does not change. It is the removal of ambiguity for clinicians that changes.

The case that led to the bill's amendment involved parents who were happy to consent because of ambiguity in the current wording of section 42 of the act. The psychiatrist made an application to the Guardianship Board. The board held an urgent hearing and approved the treatment. Under the government's bill it is now clear that parents can consent to ECT treatment for children. Furthermore, the amendment would only allow the Guardianship Board to provide consent to ECT for a child when a parent cannot consent instead of maintaining the board's arbitrary role to consider consent issues rather than resorting to courts.

As circumstances require—for example, where parents may be in dispute or feel unable to consent—the Guardianship Board, the Public Advocate and outposted crown solicitors in the Department for Communities and Social Inclusion have all provided views opposing the amendment, as has the Royal Australian and New Zealand College of Psychiatrists which the member referred to earlier. The issue is similar to the provisions in other acts for non-mental health crisis where a doctor, when faced with parents who do not or cannot consent, can get the matter considered by the independent third party with the child's best interests being paramount.

The Hon. J.M.A. LENSINK: The Liberal Party does not support this amendment. We understand the intent but also that the issue relates to ambiguity regarding psychiatrists rather than to parental consent.

The Hon. D.G.E. HOOD: Just for the record, Family First does support the amendment. We believe that only in the most extreme circumstances should the direct responsibility that parents have for the welfare of their children be placed in the decision-making capability of others.

Amendment negatived; clause passed.

Remaining clause (7), schedules and title passed.

Bill reported without amendment.

The Hon. R.P. WORTLEY (Minister for Industrial Relations, Minister for State/Local Government Relations) (16:15): I move:

That this bill be now read a third time.

Bill read a third time and passed.

STATUTES AMENDMENT (NATIONAL ENERGY RETAIL LAW IMPLEMENTATION) BILL

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

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

That the Legislative Council does not insist on its amendments opposed by the House of Assembly.

For reasons I have already put on the record during the committee stage, the government cannot support the amendments as they would result in the solar feed-in scheme becoming a gross scheme for some customers, thereby increasing the costs of the scheme on all electricity customers. Amendments resulting in additional costs to all electricity consumers are inconsistent with this council's intent when it passed the changes to the scheme in June of last year that limited cost impacts to all customers.

The Hon. M. PARNELL: The Greens believe that we got the right balance when we debated this in the Legislative Council recently, and we are inclined to insist upon our amendments. If the government decides to take it to a deadlock conference we will participate in those discussions.

The Hon. D.W. RIDGWAY: I indicate that the opposition believes the Legislative Council should insist on its amendments. We thought they were very sensible amendments at the time they were passed and are very disappointed that the government has not seen fit to support them in the House of Assembly.

The Hon. J.A. DARLEY: I agree with the government's amendment.

The Hon. D.G.E. HOOD: Family First will not change its position from last time, which was to support the opposition.

The Hon. A. BRESSINGTON: I will support the Greens—

The CHAIR: To insist on the amendments?

The Hon. A. BRESSINGTON: Yes.

The committee divided on the motion:

AYES (7)

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

NOES (12)

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

PAIRS (2)

Hunter, I.K.	Brokenshire, R.L.

Majority of 5 for the noes.

Motion thus negatived.

INDEPENDENT COMMISSIONER AGAINST CORRUPTION BILL

Adjourned debate on second reading.

(Continued from 31 May 2012.)

The Hon. S.G. WADE (16:28): This bill is a historic bill. It is the ninth ICAC bill to come before the Legislative Council. Democrat MLC Ian Gilfillan first moved a bill to introduce an ICAC in October 1988. The Democrats tried again in 1990, 1998, 2005 and 2007. In 2008, the Leader of the Opposition, Isobel Redmond, the then shadow attorney-general, moved a bill for an ICAC in the House of Assembly. At a press conference at the time, she indicated that she would be well satisfied with her parliamentary career if she could see into this state the introduction of an independent commission against corruption. This shows the commitment of our leader to service.

In 2009, the Hon. Robert Brokenshire introduced another ICAC bill into this place. On 12 May 2010, I introduced an independent commission against corruption bill, the eighth attempt by members of this council to introduce an ICAC into South Australia, and that bill embodied 24 years of collective wisdom. One ICAC bill did pass this council and was sent to the other place on 14 October 2009.

This bill is not new but it is unique. It is unique in two respects. Firstly, it is the first ICAC bill to be received by this council from the House of Assembly. Secondly, it is the first ICAC bill to be sponsored by the Labor Party. The fact is that there is only one party that has opposed every single one of the eight previous ICAC bills, and that party is the Australian Labor Party. As part of that campaign over 24 years, then attorney-general Atkinson said:

> ICACs are a gift to malicious slanderers who want nothing more than a headline or a TV promo. They are also a gift to those who want to exert inappropriate pressure on public officials. These people say, 'Give me what my client wants or I'll call in ICAC,' or, 'Your decision will be ICACable.'

That is just one of a galaxy of comments by former attorney-general Atkinson and former premier Rann against an ICAC. The now Attorney-General (John Rau) also joined in that chorus on 19 June 2008. In a speech in the House of Assembly he mocked calls by the member for Heysen for an independent commission against corruption as 'me-tooism'. He said:

> 'People in New South Wales have got one. I want one. People in Victoria have got one and people in Western Australia have got one. I want one too. Why can't I have one? They've got one.' No question about whether it is useful, whether it achieves anything or whether it is a despotic outfit completely out of control, doing more harm than good: 'They've got one, I want one.' I think psychologists talk about some sort of envy in children. I think this is an ICAC envy, instead of something that young girls are supposed to experience.
>
> The situation is pretty clear. If you are trying to justify the establishment of what amounts to a broad ranging standing royal commission or some sort of a star chamber inquisitorial outfit, you have to make out your case.

I pause to stress those words. This is the minister who is now sponsoring this legislation describing ICACs as broad ranging standing royal commissions or some sort of star chamber or inquisitorial outfit. The quote continues:

> One of the problems with these commissions is that all around the world where they have been established there is a tendency for them to try to justify themselves by producing more and more sensational results because they are a results-driven thing. So, you go out and try to make a big splash just before budget time so you can then lever a bit more money out of the government of the day, or you try to make some other big splash in the media so people think you are doing something. Will a media-driven standing indefinite royal commission benefit the people of South Australia more than it causes trouble for itself and all the people who might come under its gaze?

The Attorney-General continued in that speech and mocked the member for Heysen, implying that she was prone to conspiracies. From August 2009 the then premier Mike Rann started to call for the introduction of a national anti-corruption commissioner. The Liberal Party went to the 2010 election with a state-based ICAC as the central plank of a range of measures to promote transparency. Other parties such as Family First and the Greens had declared positions in support of a state-based ICAC.

In fact, at the election more than 60 per cent of voters for this council voted for parties supporting the ICAC. After the election the new Attorney-General John Rau had a prime opportunity to take his party on a new path, but he chose not to. On the first day of the new parliament and his first day as Attorney-General in the parliament he chose to give a ministerial statement reiterating the government's opposition to an ICAC. The new Attorney-General's top priority was not to have an ICAC. He said:

> Demands for the establishment of a state so-called ICAC have been noisy but unsupported by a substratum of fact or logic. No evidence has been presented to show that systemic failures by existing state-based agencies are allowing corruption to flourish in South Australia.
>
> Allegations, no matter how sensational, are not evidence. In the absence of evidence, logic does not suggest the need for an ICAC.

Clearly, the Attorney-General was expecting to be able to prosecute the case against an ICAC. He brashly expected that he could turn the tide of public opinion when he was delivering the message rather than his predecessor, attorney-general Atkinson. But the tide did not turn, and the story of the last 18 months has been a slow and limited withdrawal by the ALP to what is now an ICAC light.

The persisting arrogance of the government was on display in the Attorney-General's second reading speech to this bill. At length he recited the history of the bill. He completely ignored the two decades of Legislative Council activity; he completely ignored the leadership of Isobel Redmond in putting an ICAC on the agenda; and he completely ignored the role of the Liberal Party at the last election in making an ICAC inevitable.

The contrast in leadership quality is stark. The Leader of the Opposition is significantly valuing her career by her ability to deliver a key reform, a reform that she has delivered, with the support of other stakeholders. The Attorney-General, on the other hand, cannot bring himself to admit that he and his party were wrong. I fully expected Isobel Redmond would not need to be content with an ICAC as her career's high point. I look forward to many more reforms under her leadership. Unlike the chameleon performance of the Attorney-General of the Labor Party, the leader is a conviction politician, who will make a great premier.

Of course, the debate was not limited to this parliament or to the political parties. I and my party would want to pay tribute to the advocacy of a wide range of stakeholders in the South Australian community, who have been arguing long and hard for an independent commission against corruption. In August 2000, former auditor-general Mr Ken MacPherson delivered a speech outlining the many reasons why an ICAC is needed in South Australia. In that speech, he said:

> Whilst the powers of the Auditor-General may be extensive, the matter of corruption does require that there be power to conduct covert operations. That's the only way that people like Brian Burke and co were flushed to the surface. And this is not a traditional role of the Auditor-General in the Westminster system.

Former director of public prosecutions, Mr Stephen Pallaras, is quoted as saying:

> An anti-corruption authority with full law enforcement powers over both the public and private sector is the best tool yet to educate the community on issues relating to corruption.

Mr Pallaras called for an ICAC in his annual report to parliament on 14 October 2009. The former Law Society president, Mr Richard Mellows, on behalf of his society, said:

> In the Society's view, the current mechanisms in place in this State are limited in what they can investigate. An independent, broad-based anti-corruption commission is the answer. Such a Commission is better placed to deal with corruption issues from the hotchpotch of State watchdogs which we currently have.

Senator Nick Xenophon, a senator from South Australia and a former member of this council, in the lead-up to the 2010 election, said:

> If you're against corruption you should be for a local ICAC and for the Premier to be calling for a national body is really a nonsense, it's a stall story.

The calls came from the Labor side of politics, too. In 2007, then Labor premier of New South Wales, Morris Iemma, said of anti-corruption agencies, as follows:

> Any jurisdiction that thinks they don't need one is delusional. Any jurisdiction that thinks they don't need one of these is crazy.

The South Australian Labor Party took direct pressure from its national leadership. I quote from an article headed 'Rudd pushes on anti-corruption body,' published in *The Australian* on 31 July 2009. It states:

> Kevin Rudd has ramped up pressure on the Rann government to take a stand on regulating political donations and the role of lobbyists and to acknowledge the benefits of an independent anti-corruption body. Following Tasmania's announcement last week that it would set up an independent anti-corruption commission, South Australia and Victoria are the only states without such a body...The Prime Minister said in South Australia this week there were problems with corruption in public administration around the country and independent anti-corruption bodies played an important role in public life.

On 3 June 2010, after the state election and less than a month after the Attorney-General's ministerial statement saying arguments for an ICAC lack a substratum of logic, one of his Labor colleagues across the border, the then Victorian premier John Brumby, announced that his government would establish an anti-corruption commission. This left South Australia as the only state in Australia that was not committed to establishing an ICAC. No-one should be fooled that this government intends that this is to be a full-blooded ICAC. This bill proposes an ICAC lite. I will address some of the structural elements later, but one needs only to look at the budget to know that this government is not intending a full-blooded ICAC.

At the 2010 election the Liberal Party estimated the cost of an ICAC at $15 million. The government claimed that it would cost between $30 million and $40 million. Now we are told that this ICAC will cost a mere $6 million—one-fifth of their lowest estimate. The government was either lying then or they intend to establish a shadow of an ICAC. The following is a quote from one of the ALP's constituent unions, the Australian Manufacturing Workers Union, which provided a submission to the Integrity Review on 4 March 2011. It stated:

> Whilst the proposed role and functions and powers are welcomed, the Commissioner's ability to deliver on them is contingent on being properly resourced to do so.

Perhaps they too understand this government's reluctance in introducing an ICAC and foresaw the deprived level of funding that will be allocated to it. The fact that the scepticism of the government about the need for an ICAC persists is evident from the convoluted logic of the Attorney-General in his second reading speech to this bill. He said:

> Unlike some states, South Australia has fortunately thus far not been in a circumstance where cases of corruption, be it systemic or otherwise, have required an anti-corruption body to be established so as to attempt to restore faith and confidence in public institutions. Given this, some may question why an integrity body such as the ICAC is required in South Australia. My answer to that is that with modern society becoming increasingly complex, and the financial resources of public funds being stretched to meet the ever increasing needs for essential government services, the temptation to engage in corrupt conduct for personal gain by abuse of public office will exist. A modern and sophisticated society should pre-empt this risk and proactively act to safeguard and preserve community confidence in the integrity of public administration. Establishing an ICAC constitutes that pre-emptive strike and safeguard.

In my view that quote shows that the government remains sceptical. They see the ICAC light as an inoculation against some future risk. In spite the recurring cases of corruption within South Australia, in spite of their own conviction that South Australia is part of a national community struggling against corruption, the Labor Party persists with its scepticism. If elected in 2014 a Liberal Government will review the operation of the ICAC to ensure that South Australians get what they demand, which is a full-blooded ICAC.

The Australian of 23 February 2010, a mere three days into the campaign proper, highlighted what I believe is one of the key issues that have been exposed by this debate over an ICAC. The article was headed 'Redmond pushes Rann on trust, corruption'. It stated in the article:

> The staking of firm campaign positions by the major parties on this issue insured the issue of trust continued to dominate the election campaign. 'I think the public will make up their mind about whether they trust Mike Rann on this issue any more than they trust him on other issues', Ms Redmond said yesterday.

The Labor Party has suffered in terms of people's willingness to trust it. In February 2010 only 34 per cent of people surveyed by *The Advertiser* said that they trusted Premier Rann, compared with 51 per cent who said they trusted Opposition Leader Isobel Redmond. Another poll found that 21 per cent of people polled thought that Premier Rann told the truth.

One of the key factors at play at that time was the fact that people are not prepared to trust politicians who simply demand that people trust them. Trust is more likely to be engendered where politicians are willing to be accountable and open themselves up to scrutiny. The Liberal Party knows the truth of the old adage that power corrupts and absolute power corrupts absolutely. We know that our party and members of our party will become the focus of an ICAC from time to time, but we also know that future Liberal governments will be better governments, more effective governments, for the presence of an ICAC.

The government is now rushing the legislation through this parliament to meet its own deadline. The government has repeatedly said that it is keen to get the legislation through as quickly as possible, but the government has no-one to blame but itself. It left itself a total of two months to consult, pass the legislation through parliament, conduct an international search for a commissioner and establish the office.

Earlier this year, a number of stakeholders went public on the fact that the government was well behind schedule in implementing the ICAC. I can remember the comments of the president of the Law Society as reported in *The Advertiser* on Easter Monday. It was plain to see that there was no way the ICAC would be up and running by 1 July, when the legislation establishing it had not even been finalised just a few months before it was to start. In addition, for the ICAC to utilise its proposed telephone interception powers, the federal parliament must first agree to it. That alone could take months. One can only deduce that the delay is either a result of the government's reluctance to introduce an ICAC or poor management on its part.

The ICAC is significantly about culture, and this ICAC is not being born in a culture of transparency. The government has broken its promise to make the submissions to the public consultation public. The opposition has been forced to resort to freedom of information requests to obtain the submissions because less than half of the submissions received by the government have been released to the opposition by the Attorney-General.

Coincidentally, I received notification today that, in my request for the submissions under freedom of information, the deadline has been determined to be extended, so I do not have access to all of the submissions. One of the submissions I do have access to is the submission by the Gawler sub-branch of the ALP, which states:

> The model should be based on the premise that full disclosure is the norm and the basis from which all types of government should operate.

In addition, the submission goes on to state that FOI requests, and the government generally, should be 'based on a culture of full disclosure'. That certainly has not happened here. Given that this government has tried to avoid scrutiny like the plague, I cannot say I am surprised, but I am disappointed, nonetheless. Like the Gawler sub-branch of the ALP, I do not think it is acceptable and I do not think the public accepts this closed shop culture.

Further, it represents a broken promise, in that Labor committed to making submissions publicly available on its website, but none have been published, as far as I am aware. The ICAC was launched amid commitments for transparency, yet Labor continues to (arrogantly) pursue a closed shop approach. I am also concerned that the government did not release a copy of the ICAC Bill for public consultation before tabling.

You could contrast that with the approach being taken to the cemeteries bill. The cemeteries bill was released as a bill for consultation and people were given six weeks to comment on it. In contrast, this bill was not made available to the public before it was put into the parliamentary process. The opposition bend over backwards to honour the normal parliamentary protocols in terms of timing. We were bemused by the government not taking one House of Assembly sitting week to even address the bill. Nonetheless, the Local Government Association has called for a delay in parliamentary consideration of the bill. I quote from its letter to members in the other place:

> ...until the LGA has had a chance to respond to the Minister regarding its contents. The Bill has been introduced without consultation with the LGA and our usual process of consultation with Councils is well underway and due to be completed shortly after 7 June...At no time prior to the introduction of the Bill did the Attorney-General flag the proposed amendments impacting on the LGA itself.

The lack of consultation on the bill shows contempt for local government. Rather than apologising for the position the local government sector has been put in, the Attorney-General engaged in a vigorous and personalised attack. The local government minister currently has a consultation afoot on the governance framework for local government. The fact that the Attorney-General ignored that consultation shows his disrespect for minister Wortley, too. Not only that, but his assertions in relation to the supposed consultation are somewhat remarkable. On 30 May 2012 in the other place the Attorney-General claimed that the bill:

> ...has been the subject of consultation with the LGA for well over a year, and the provisions in the original draft discussion paper, inasmuch as they refer to local government, are substantially the same as the ones in the current bill.

It might be noteworthy by the Attorney that the government only announced its revised position on ICAC in October 2011, just over eight months ago. Perhaps I could take a moment to remind the Attorney of a press release entitled 'New accountability measures for local government' which he put out on 30 October 2011. It opens:

> The State Government's new anti-corruption measures will provide higher levels of accountability for local government, including giving the Ombudsman the power to investigate councils and sanctions for breaches of a mandatory code of conduct.

If the anti-corruption measures truly are new, as the Attorney-General's release says, how could he have been consulting with the Local Government Association for 18 months? A range of cases highlight the presence in South Australia of misconduct and corruption—the 'cartridgegate' affair, the 'foodgate' affair, manipulation of car defect records, issues in relation to councils. Misconduct and corruption are important concepts but they are not simple ones. While people want to do the right thing, they need to be supported to understand the ethical implications of their behaviours. That is why the Leader of the Opposition has always talked about the three arms of an ICAC.

First, there is the investigative role of an ICAC. An ICAC investigates the public sector to identify corrupt behaviour. But just as important are its other roles. ICAC's second role is in education. Proposed section 6(1)(e) states that a function of the ICAC is to conduct or facilitate the conduct of educational programs designed to prevent or minimise corruption, misconduct and maladministration in public administration. Very few public officers want to engage in misconduct or corruption but they need education to fully understand the implications of the choices they face. Of course, these issues are not clear cut.

Even with significant education, people will disagree as to the point at which conduct does become corrupt. The culture of the state is strengthened by educating the public, the parliament, local government and the broader public sector. ICAC's third role is prevention. Proposed section 6(1)(d) states that a function of the ICAC is to evaluate the practices, policies and procedures of inquiry agencies and public authorities with a view to advancing comprehensive and effective systems from preventing or minimising corruption, misconduct and maladministration in public administration.

The Liberal team is concerned about the failure of the government's bill to recognise the need to encompass the spectrum of conduct from sound conduct through to corruption. Corruption takes many forms from minor misuse of influence to institutionalised bribery. Within limited resources any corruption agency must have a focus but the government's bill only allows the ICAC to pursue criminal corruption.

The opposition is concerned that this standard is too high and too prescriptive, particularly if one takes seriously the preventive and educative roles of the ICAC. We propose amendments which would allow the ICAC to investigate misconduct or maladministration in certain circumstances. In his second reading speech, the Attorney-General said that this amendment puts the parliament in danger of a 'semantic argument'. He said:

> Corruption is what you call it. What we have called it here is a criminal act, something known to the criminal law which is currently capable of being prosecuted.

The government's definition does not accord with the internationally recognised definitions of corruption. Transparency International's definition of corruption is 'the abuse of entrusted power for private gain'. This encompasses both financial gain and non-financial advantages. Of course, the government is free to define corruption how it wants but the community will make its own judgement. If the community is concerned about acts which it regards to be corruption and the ICAC is unable to deal with it because it does not meet the government's criminal threshold, the community will not tolerate a government which says, 'It's okay; we don't define that as corruption.'

The proposed office of public integrity is a novel element in the government's model. The office is novel, and we wait to see whether it is the best way to work. The government says it will be a one-stop shop assisting the public to know where they should direct their complaints and to make referrals to inquiry agencies and public authorities. The public will still be able to direct referrals directly to inquiry agencies.

I am concerned that the OPI may not have the necessary investigative capacity to properly assess complaints and reports. A recurring concern of the Liberal opposition is that laws both catch the guilty and protect the innocent. Given the range of conduct that could give rise to misconduct or corruption, it is important that complaints are handled in a way which minimises the impact on people who are not engaged in misconduct or corruption.

Under section 20(a) a person must not make a statement knowing that it is false or misleading in a material particular (whether by reason of the inclusion or omission of a particular) in information provided in a complaint or report. A more unusual provision is in section 20(b) which says that a person shall not make a complaint or report knowing that there are no grounds for the making of the complaint or report. Both actions attract a maximum penalty of $10,000 or imprisonment of two years.

Under section 21, the office of public integrity must assess a complaint or report. Under section 22(4), if a matter is assessed as trivial, vexatious or frivolous; if the matter is determined as having been previously been dealt with by an inquiry, agency or public authority and there is no reason to re-examine the matter; or if the office determines that there is other good reason why no action should be taken in respect of the matter, no action need be taken in respect of the matter. The opposition acknowledges that these provisions go some way to protect people from false accusations.

Under the bill, examinations relating to alleged corruption in public administration are to be conducted in private. The government asserts that private hearings protect reputations. However, on the other hand, private hearings can undermine public confidence in corruption investigations. Former Royal Commissioner Frank Costigan QC put it this way: 'Once you start investigating allegations of public corruption privately, then you add the smell of a cover-up.' At an anti-corruption conference held in Fremantle in November last year, the Hon. Wayne Martin, the Chief Justice of Western Australia, spoke about public accountability of anti-corruption agencies:

> Public confidence is an essential component for the effective operation of any anti-corruption agency. Public confidence is enhanced by public accountability.

Having outlined the pros and cons of public hearings, Chief Justice Martin said:

> The balancing of these competing considerations is a difficult task...The only opinion I would venture to those charged with making these difficult assessments is drawn from my experience in the courts and from my observation that public confidence in the integrity of the administration of justice critically depends upon the transparency of that process, and the fact that it is only in the most rare and exceptional circumstances that any part of that process will be conducted behind closed doors. That experience, and the significance which I attach to the educative and preventative functions, incline me to the view that hearings should be held in public unless there is a good reason to the contrary. In the context of the administration of justice, it has long been accepted that the risk of damage to reputation is the price which must be paid for transparency.

The opposition accepts that the government is proposing that hearings of the ICAC be private hearings. My leader has given an undertaking in the other place that, whilst we will not be seeking to amend the government's legislation in this respect, we will be maintaining a watching brief.

Another aspect of protecting people is ensuring that people who engage with the ICAC are aware of their rights and responsibilities and to that end have appropriate access to legal advice. I understand that members of parliament and local councillors will not have the same protection as to legal costs as other public officers such as cabinet ministers, public servants and police officers. This issue was raised in the other place, and the opposition welcomes and appreciates the Attorney-General's assurance that he will discuss these issues further.

The ICAC has strong powers, and the Liberal opposition supports that fact, but we also consider that strong powers necessitate strong oversight. The bill provides for a parliamentary oversight committee and, as a result of an agreement with the government during the passage of the serious and organised crime legislation, the committee will also oversee the implementation of organised crime laws. The Liberal opposition is concerned that the oversight committee is more than simply reviewing reports. We seek to expand the scope of the committee to ensure that it can provide effective oversight of the ICAC.

To support this broader role the opposition is concerned that the ICAC's capacity to provide information to the committee is not too narrow. The opposition has no intention of allowing information flows to the committee to undermine the necessary confidentiality of ICAC operations. We note the Attorney-General's concerns in this regard, and welcome the Attorney's undertaking to consult with the opposition on these provisions.

Concerns have also been raised in relation to the impact of the bill on parliamentary privilege. I welcome the Attorney-General's assurance in the other place that there is no intention for the bill 'in any way destroying parliamentary privilege or affecting it in any way'. On its face the bill does not allow for parliamentary privilege, and that is something we would want to discuss further with the Attorney and in the committee stage in this council.

In conclusion, I reiterate the comments I made at the beginning that the Liberal Party is delighted that at last this council is able to consider a bill, with the support of the government, to establish an Independent Commission against Corruption. It is not the model we proposed, but we are keen to support it so that South Australia can have on commission established and that that commission can evolve over time to fulfil the needs of the public sector and the community of South Australia.

At this stage I seek to ask three brief questions, which I hope the minister may be able to answer before we move into committee. First, will the privatised former operations of government be covered within the ambit of this bill? Secondly, in terms of the coverage of schedule 1, I seek a list of state public sector agencies or employees who are not covered by that schedule. Thirdly, and again in relation to schedule 1, I refer to the group of 'a person declared by regulation to be a public officer', and ask: what does the government envisage this clause will allow? In particular, does the government have any officers that it intends to specify by regulation in the short term?

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

CORRECTIONAL SERVICES (MISCELLANEOUS) AMENDMENT BILL

The House of Assembly, having considered the recommendations of the conference, agreed to the same.

ABORIGINAL LANDS PARLIAMENTARY STANDING COMMITTEE

The House of Assembly appointed Dr Close to the committee in place of Ms Bedford.

At 17:04 the council adjourned until Wednesday 13 June 2012 at 14:15.