

## LEGISLATIVE COUNCIL

Thursday 14 June 2012

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

### PAPERS

The following papers were laid on the table:

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

Report and Determination of the Remuneration Tribunal regarding Members of Parliament  
Travel Entitlement and Rules—Supplementary Provisions  
Report to the Board on the Actuarial Investigation as at 30 June 2011 regarding the  
Electricity Industry Superannuation Scheme

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

Reports, 2010-11—  
Berri Barmera Health Advisory Council Inc  
Gawler District Health Advisory Council Inc

### SKILLS FOR ALL

**The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for Tourism, Minister for the Status of Women) (14:19):** I table a copy of a ministerial statement relating to Skills for All made earlier today in another place by my colleague the Premier, Hon. Jay Weatherill.

### QUESTION TIME

#### FISHERIES

**The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:20):** I seek leave to make a brief explanation before asking the Minister for Agriculture, Food and Fisheries a question about our state's fisheries.

Leave granted.

**The Hon. D.W. RIDGWAY:** We saw in this morning's *Australian* and we heard it announced in the last couple of days that the federal government is about to declare the world's largest system of marine parks, which will obviously have ramifications for a host of industries including oil and gas exploration and, of course, our important fisheries.

Members would be aware that last month I went to the Eyre Peninsula and I have also recently been to the South-East and met with lobster and scale fishers. I did not meet with the prawn fishers. Even though members here know I have a big interest in prawns, the prawn fisheries are up there in the gulf and not in commonwealth waters. Naturally, those fishers were quite concerned about the impact of the state marine parks and now they face the prospect of these national marine parks, with special zones for habitat protection, sanctuaries and special purpose zones. My questions to the minister are:

1. Has the minister discussed the impact of these parks with the federal minister for fisheries or the federal minister for the environment?
2. If so, when did these discussions take place?
3. What impact will these new zones have on South Australia's fisheries and the people who depend upon them for their livelihoods, and what will the economic impact on our state be?

**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) (14:22):** I thank the honourable member for his important question. Indeed, South Australia welcomes the plan for marine protected areas released today by the commonwealth government. They are certainly to be commended for their efforts. The commonwealth initiative

aligns with our own efforts to develop marine parks in South Australian waters and is a significant step forward for—

**The Hon. D.W. Ridgway:** Can you answer the question? I am not fishing; I want a real answer.

**The PRESIDENT:** The Hon. Mr Ridgway should be quiet and listen.

**The Hon. G.E. GAGO:** Thank you, Mr President. The commonwealth initiative aligns with our own efforts to develop marine parks in South Australian waters and is a significant step forward for marine conservation for our shores. There are several locations where the commonwealth marine reserves connect with South Australian marine parks, and we have worked together with the commonwealth to maximise opportunities for enhanced conservation outcomes, while also ensuring we minimise the impact on users in these locations. So, considerable work has been done with the commonwealth in relation to those matters.

The Great Australian Bight Marine Park is an excellent example of how significant conservation outcomes can be achieved through collaboration between state and commonwealth governments. The Great Australian Bight Marine Park, which covers both state and commonwealth waters, was established in 1996 by the former state Liberal government to protect the biological diversity of the Bight, while providing for ecologically sustainable use of the park's natural resources. It has been very successful in increasing the number of tourists to the area and continues to provide iconic recreational fishing opportunities. I have had the opportunity to visit the Bight and watch the whales. I have also been able to enjoy visiting Ceduna and surrounds and partaking in eating some of their fabulous fish caught locally.

The plan released by the commonwealth will improve the protection provided by both jurisdictions to the Great Australian Bight and other iconic locations at Kangaroo Island and Pearson Island. There are a number of commercial fishing industries that operate in both state and commonwealth waters. State and commonwealth officials will continue to work closely to assess those impacts on users and to ensure that the adjustment of commercial fishing across the two jurisdictions proceed as efficiently and as effectively as possible. That work will continue.

#### FISHERIES

**The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:25):** I have a supplementary question arising out of the minister's non-answer. Has the minister discussed the impact of these new marine protected areas with her colleague the federal Minister for Fisheries or the federal Minister for the Environment?

**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) (14:25):** I have not, but my agency has been in direct contact with them.

*Members interjecting:*

**The PRESIDENT:** Order!

**The Hon. G.E. GAGO:** There has been a high level of collaboration between the state agency and commonwealth parties, and that work has been ongoing for a considerable period of time. A great deal of collaboration has gone into those discussions, and they have included things such as optimising the marine ecological values, as well as minimising the impact on commercial fishing. That information has been directly fed in through PIRSA, and officers have been working with agencies. As I have said, the impact on users will continue to be monitored, and my agency will have a significant role in contributing to that.

#### FISHERIES

**The Hon. A. BRESSINGTON (14:27):** I have a supplementary question. Will the minister either confirm or deny the rumour that, in the marine park in the Great Australian Bight, there is a possibility that a permit will be approved for oil drilling in the Bight?

**The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for Tourism, Minister for the Status of Women) (14:27):** I am not aware of that. I cannot answer that question; it is not within my ministerial responsibilities. I find it quite remarkable that here we have this wonderful opportunity to complement commonwealth marine parks with our state marine parks. Not only are these parks critical in terms of identifying really important marine ecosystems and making sure that we protect

and maintain them into the future to keep our seas in a healthy, tiptop condition but also, although it is not part of a fishing management plan, they play an important part in keeping our waters healthy and, of course, our fisheries as well.

### FISHERIES

**The Hon. A. BRESSINGTON (14:28):** I have a further supplementary question. Is the minister aware, then, of the other news that broke yesterday that, in the marine parks that are being discussed between the state and federal governments, we are going to allow foreign commercial vessels to come in and fish in those very waters?

**The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for Tourism, Minister for the Status of Women) (14:29):** I am not aware of what the arrangements are for foreign fishers, but what I do—

*Members interjecting:*

**The PRESIDENT:** Order!

**The Hon. G.E. GAGO:** —know is that members come into this place time and time again—

*Members interjecting:*

**The PRESIDENT:** Ring up Leon Byner.

**The Hon. G.E. GAGO:** —with rumour and conjecture. We know that, time and time again, members come in here with poorly researched questions and ill-informed information. We have seen that happen in this place time and time again, as I was trying to say earlier on, instead of coming into this place and congratulating the state and federal governments for putting these initiatives in place, which not only preserve and help protect the quality of our marine environment but also are incredibly important in terms of our standing international, where 'clean and green' is very important to all of our markets.

These parks are going to be worth a lot to the credibility of our fisheries in terms of being clean and green. It is a real win-win but what do we get: snide innuendo, rumour and negativity. That is all we ever get in this place. All we see are members coming in here bagging our state and putting our state down time and time again; bagging this state and trying to undermine the confidence of consumers and businesses. It is completely irresponsible. What the Hon. Ann Bressington should be doing is getting to her feet in congratulating the state government and the federal government for these fabulous initiatives.

### LOCAL GOVERNMENT PLANNING DAYS

**The Hon. J.M.A. LENSINK (14:30):** I seek leave to make a brief explanation before directing a question to the Minister for State/Local Government Relations.

*Members interjecting:*

**The PRESIDENT:** Order!

*Members interjecting:*

**The PRESIDENT:** Order! Now I know who is being tortured.

**The Hon. J.M.A. LENSINK:** I seek leave to make an explanation before directing a question to the minister for State/Local Government Relations about local government planning days.

Leave granted.

**The Hon. J.M.A. LENSINK:** Earlier this week the minister told the Legislative Council about six upcoming local government planning days to be held across our state's regions. In his words he described the regions as 'crucial to a strong future for our state'. Given that the government would rather spend half a billion dollars on a city stadium than commit to the long-term future of the Keith hospital, waste \$12 million on electric trains that will gather dust while it closes the Cadell ferry, sell off profitable assets like the forestry rotations and SA Lotteries in a failed attempt to retain the state's AAA credit rating, and impose inequitable new taxes on country pubs while withholding millions of dollars from the sport and recreation fund, I do not understand how

this government would treat parts of the state not crucial to our strong future. My questions to the minister are:

1. Does he think that closing the Cadell ferry will provide a strong future for that local community?
2. Can the minister assure this council that he will properly consider the views of local communities given that the fierce opposition to the forestry sales, as well as recommendations by marine park local advisory groups, were largely ignored?

**The PRESIDENT:** The honourable minister should disregard the opinion.

**The Hon. R.P. WORTLEY (Minister for Industrial Relations, Minister for State/Local Government Relations) (14:32):** I would like to thank the member for her question but both issues are, I think, better directed to the Treasurer. All I can say is that I understand the importance of our regions and this government understands the importance of our regions, and we think it is very important that we help facilitate these strategic planning days. We have given a commitment to fund them financially because we believe that they are important. We have also given a commitment that we will facilitate the appropriate agencies to attend these meetings. This has been very well received by local government. With regard to the issues brought up by the Hon. Ms Lensink, they are better directed to the Treasurer.

**The PRESIDENT:** The Hon. Ms Lensink has a supplementary.

#### LOCAL GOVERNMENT PLANNING DAYS

**The Hon. J.M.A. LENSINK (14:33):** When the minister attends the local government planning days is that the sort of answer he proposes to give to local communities?

**The Hon. R.P. WORTLEY (Minister for Industrial Relations, Minister for State/Local Government Relations) (14:33):** I have never misled any local government council. There are going to be times when we agree to disagree. There are budgetary measures which are beyond my control and they are a government initiative through the Treasurer. I made it quite clear that as local government minister if there is anything within my capacity I will facilitate the appropriate councils and regions to enable their strategic planning days to develop the long-term plans for their regions.

#### MAGILL TRAINING CENTRE

**The Hon. S.G. WADE (14:34):** I seek leave to make a brief explanation before asking the Minister for Communities and Social Inclusion a question in relation to the Magill Training Centre.

Leave granted.

**The Hon. S.G. WADE:** On Tuesday evening, there was another assault on a staff member by a detainee at Magill Training Centre. The detainee was excluded and had privileges removed for 12 hours. It has been reported that on Wednesday morning centre management withdrew that sanction, leading to a stop-work meeting by staff to discuss further industrial action. In the minister's response to a question in this house on Tuesday in relation to the Magill Training Centre's behaviour management regime, the minister explained:

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.

My questions to the minister are:

1. Was the detainee in question under any ongoing behaviour modification procedures such as those described by the minister on Tuesday?
2. What new behaviour modification procedures have been introduced for this detainee in response to Tuesday night's assault?
3. How has the centre management's response to this assault contributed to 'securing the safety of the centre, the safety of the individual and the safety of the staff', given that the outcome has been staff stopping work and the centre going into lockdown?

**The Hon. I.K. HUNTER (Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (14:36):** I am grateful to the honourable member for raising this very important question, because it allows

me an opportunity to set the record straight in regard to some comments made in the media by the opposition spokesperson and, indeed, by the secretary of the Public Service Association.

The honourable member mentions the phrase 'another assault' and it is very important that people are aware of exactly what 'another assault' means in this context, which I will come to in a moment. By way of background, PSA members at Magill and Cavan training centres held a stop-work meeting at 6 o'clock on 13 June 2012, citing dissatisfaction with the process of a resident being reintegrated back into a unit following a period of time in a detention room; staff returned to work at 6.20.

My department has confirmed that, following a meeting with the PSA on 6 June, a written instruction, as agreed by the PSA with my department, was issued to both Cavan and Magill training centre staff outlining the use of a detention room and the requirement for an integration plan to enable safe re-entry of youth following a period of detention. That was agreed with by my department and the PSA.

Those staff allege that, at 8.30 pm on 12 June 2012, a resident made threatening gestures, that is, a raised fist towards a staff member. Following this alleged incident, the resident was then secured in a detention room overnight to minimise any further risk to staff. It was not an assault and it was not a serious assault: it was a raised fist on one allegation—on one allegation.

In keeping with agreements made on 6 June, a reintegrative plan was developed for the youth yesterday to enable the youth to safely reintegrate into a residential unit. Yesterday, 13 June, despite the development of a reintegrative plan for the youth, the PSA called a stop-work meeting and has subsequently made public statements that a reintegration plan was not developed.

I am concerned for the safety of staff and do not accept acts of aggression or violence towards staff. Equally, I am concerned for the safety and care of children and young people detained within facilities. It is important to note that a lot of the young people detained in facilities are there on remand. They have not been through the court process; they have not been convicted of anything, and to say that they are there for punishment is completely wrong in the majority of cases.

The number of youth and staff involved in the current escalation of incidents at Magill Training Centre is small. I have requested a full investigation of the current incidents, including the examination of any video footage that may be available. I am aware that there are potential discrepancies in statements being made by staff and the youth involved in current incidents, and it is essential to ensure that these discrepancies are comprehensively examined for the benefit of staff and residents alike.

The spectrum of children and young people held within training centres is broad, ranging from children as young as 10 years of age to youth in their late teens and early twenties. The current incidents involve youth under the age of 15 who are on remand awaiting a court hearing. It is therefore even more essential to ensure due process is followed and every action taken to ensure the good order and safety of facilities for staff and children alike.

During May 2012, there were 20 recorded assault incidents at Magill Training Centre. Eleven of these incidents were youth to youth assaults and nine were youth to staff assaults. The number of reported incidents is approximately double the number lodged in the previous month of 2012, in which an average of five to six youth on youth assaults and two to three youth on staff assaults took place.

The number of assaults reported at Cavan Youth Training Centre in May 2012 was four alleged youth to youth assaults, with no alleged youth to staff assaults recorded. This is consistent with 2012 trends at the Cavan Youth Training Centre. In March 2012, one assault incident report involving a youth to staff assault was recorded. I am informed by my department that analysis of incident reports from Magill Training Centre for May 2012 indicates that a significant proportion of the incidents occurred in situations where one or more staff members had issued a directive or were restraining a resident or residents.

I have further been informed that six young people were identified as being of particular concern at Magill Youth Training Centre during this period, and they were involved in multiple incidents reported during May. On Tuesday 5 June 2012 the PSA issued work bans at both Magill and Cavan training centres. At a meeting between DCSI and the PSA on Wednesday 6 June, a resolution was reached for dealing with management of assault incidents and residents' separation from the mainstream population following an alleged assault incident. A new operational instruction

was issued on Friday 8 June 2012. The instruction has created a new process for dealing with the separation of youth from the mainstream population following an assault incident.

The operational instruction has established a requirement that a reintegration plan be developed to support the management of a youth's behaviour following separation. Separation of youth from the mainstream population within facilities continues to be time limited and in strict adherence to the requirements of the Family and Community Services Regulations 2009, section 9. My department has also acted in good faith and created a roster of supervisors to work on the weekend and public holiday shifts to ensure adherence to the new processes and support for staff in the development of reintegration plans. This minimises the risk of further incidents occurring.

My department received formal communication from the PSA on Thursday 7 June confirming the agreements reached at the meeting the previous day, and their intention to lift the associated work bans. However, in subsequent formal correspondence with my department on Thursday 7 June, the PSA imposed further work bans because of concerns regarding caged, secure walkways and changes to the staffing model at the new facility to be built at Cavan.

The reintegration plan developed for the youth on 13 June involved consultation between the residential unit staff, psychologists, an Aboriginal consultant and the unit supervisor. At the meeting held to finalise the plan the residential unit staff failed to attend, despite a staff member being made available to cover their shift. The stop work action of the PSA site representatives followed the issuing of the reintegration plan. The PSA site representative noted the non-attendance of the unit staff member as evidence of no consultation on the plan.

The Family and Community Services Regulations 2009 states that a detention room means a room in a training centre set aside for the detention of residents of the centre. Under the regulations no resident under the age of 12 years can be detained in a detention room, and the maximum period permissible to be detained in a detention room is 24 hours for a 12 to 14 year old and 48 hours for youths over 15 years of age. A detention room can be used under the following criteria: the resident is about to harm himself or herself or another person; a resident is about to cause significant damage to property; or, it is necessary to detain a resident in a detention room to maintain order in the centre or to preserve the security of the centre.

The Family and Community Services Regulations further state at section 7 that prohibited treatment of a resident includes 'isolation (other than in a detention room) from other residents'. This in effect means that reintegration plans need to be mindful that residents must not be isolated from other residents for extended periods. The Youth Justice Secure Care Standard Procedure No.15, detention rooms, has recently been agreed as the active procedure in relation to youth detention rooms at the youth training centre by staff and management.

Procedure 15 is clear in its instruction that the detention room is not to be used as a punishment or consequence of behavioural issues and is only to be used as a last resort in line with the above mentioned reasons. Procedure 15 is also clear when it states that a detention room is only to be used for as long as a youth poses a risk, as outlined in section 9.

It is important to understand that these allegations of so-called assaults or serious assaults that have been made in the media are based on reports and those reports, I am advised, relate to young people being dragged off to detention and when they might kick out or when they might flail out with their hands and make contact with staff. They are not the same thing as serious assaults perpetrated on individuals such as you might expect when there is a bashing or some other altercation.

It is very important that the PSA and my department adhere to the regulations and the procedures that have been put in place, agreed by staff and agreed by the department, and that they are not pulled apart when a new site supervisor comes on shift and declares that they have not been party to the original integration plan.

**The Hon. J.S.L. Dawkins:** Nearly 10 minutes for that.

**The Hon. I.K. Hunter:** It is an important question.

**The PRESIDENT:** A very comprehensive answer. The Hon. Mr Kandelaars.

#### **SKILLS FOR ALL**

**The Hon. G.A. KANDELAARS (14:46):** I seek leave to make a brief explanation before asking the Minister for Regional Development a question about Skills for All.

Leave granted.

**The Hon. G.A. KANDELAARS:** The state government's Skills for All reform is about ensuring that South Australians have access to world-class skills—skills that our industries are calling out for, leading to more jobs and greater opportunities. Can the Minister for Regional Development outline the state government's initiative to assist people in regions to access vocational education and training?

**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 most important question. Consultation on South Australia's Strategic Plan identified that South Australians living in regional areas across the state share many common priorities for the future. Community wellbeing and sustainability are shared goals, as is job creation and building the resilience of communities.

To encourage regions to develop and grow, the state government will invest in regional areas through the Skills for All reforms of the vocational education and training system. From July this year TAFE, along with many of our highly regarded registered training authorities, will receive public funding to provide more vocational education and training courses to regional South Australians.

These reforms acknowledge the needs of regional South Australia and the circumstances in providing vocational education and training across the state. As a consequence, the state government will pay an additional loading on the subsidy to training providers when they deliver training courses in regional South Australia.

This additional payment will be available to TAFE SA and other training providers approved to deliver funded training under Skills for All. Non-TAFE SA providers will be encouraged to provide training services in the regions and benefit from this initiative, as they will be receiving a location loading that was not available previously. As honourable members may be aware, the majority of TAFE campuses are located in regional South Australia and also include a number of sites in the APY lands.

Delivery of services by TAFE SA in many small regional campuses across the state will also be separately funded as a community service under a purchase agreement. This ensures that students in regional areas will have opportunities to access training and recognises the additional costs of delivery in smaller regional communities.

Only training providers that have been approved to be Skills for All training providers will receive government subsidy for delivery of training outcomes for eligible students undertaking training on the Funded Training List. The Skills for All subsidies are paid to Skills for All training providers to pay for the cost of delivery and help reduce the cost of training to South Australian individuals, businesses and industry in a more open and demand driven training market.

Honourable members should be aware that the state's unemployment rate is a low 5.1 per cent, equal to the national unemployment rate. What honourable members may not be aware of is that the unemployment rate in regional South Australia is currently even lower than that of the state average. The state government's Skills for All reforms will provide more training opportunities and greater choice of providers for students both in metropolitan and regional South Australia.

The continuing economic success of regional South Australia is intrinsically linked to the skill levels of business, industry and individuals. The state government's Skills for All reforms will provide a valuable contribution to raising the skills required by our regional economies.

#### **WORK HEALTH AND SAFETY BILL**

**The Hon. J.A. DARLEY (14:49):** I seek leave to make a brief explanation before asking the Minister for Industrial Relations a question regarding the Work Health and Safety Bill.

Leave granted.

**The Hon. J.A. DARLEY:** On Saturday 9 June, *The Advertiser* reported that Business SA was now ready to support the government's Work Health and Safety Bill due to a number of amendments that the government was willing to make to the bill. In this article the minister is reported as saying that the cost of building a single-storey house would be likely to increase by no more than \$2,000, rather than the \$20,000 that the Housing Industry Association is suggesting.

Can the minister explain how this \$2,000 figure was determined and provide a breakdown of how it was calculated?

**The Hon. R.P. WORTLEY (Minister for Industrial Relations, Minister for State/Local Government Relations) (14:50):** The housing industry has repeated—and it has been repeated by the Hon. Mr Lucas and a number of others—an increase in the cost of housing through this work health and safety legislation by \$20,000 for a single-storey building. I will get to the answer for the honourable member, but nobody would be able to produce to this chamber a figure of \$20,000 reported anywhere. Figures have been given by the Housing Industry Association, which we have a copy of, and we have had two independent consultants look at those figures. I think Mr Bottomley suggested that the cost was insignificant, and that was then backed up by Mr Ogden—

**The Hon. J.M.A. Lensink:** What does that mean?

**The Hon. R.P. WORTLEY:** If you will be quiet, I will let you know. They say that the cost would be insignificant. Off the top of my head, it could be 0.5 per cent to 1 per cent of the cost of an average house. I have stated \$2,000 because, unlike the housing industry which grossly exaggerates with an unmanageable set of false figures, I have actually been very liberal. Not to confuse everyone, I have said \$2,000.

The reality is that \$2,000 is a figure which would include mainly height provisions. The current situation is that the vast majority of houses actually use these prevention methods. Regarding the figures quoted by the housing industry, I will go into quite a lot of detail about that during my summary of the Work Health and Safety Bill.

It is interesting that you asked me the question, Hon. Mr Darley. The fact is that I have seen on a number of occasions \$20,000 for the cost of a house through this work health and safety legislation and yet nobody has produced anything. I can produce two reports, and I think I have given a copy of both those reports to you and everyone in this chamber. They would make it quite clear that the cost of a new house would be insignificant, providing that people who work there comply with the current legislation, which I anticipate they would.

#### HIGH RISK WORK LICENSING

**The Hon. CARMEL ZOLLO (14:54):** Can the Minister for Industrial Relations please update the chamber on the conversion of South Australian high risk workers to the new high risk work licence?

**The Hon. R.P. WORTLEY (Minister for Industrial Relations, Minister for State/Local Government Relations) (14:54):** I thank the honourable member for her question. As members would be aware, new arrangements for a national licensing system for high risk work took effect in South Australia on 1 September 2010, when South Australia adopted the requirements of the national standard for licensing persons performing high risk work.

The new licensing system builds upon existing requirements for people who operate items of plant such as forklifts, cranes, hoists, elevating work platforms or pressure equipment, as well as those people who perform scaffolding, dogging or rigging work. It provides for a nationally recognised licence valid across Australia, no matter where in Australia it is issued, and is a more efficient system, given the transient nature of many high risk industries such as mining and construction.

The new system has made the training, assessment and licensing of high risk work nationally consistent and is aimed at making safer those workplaces where high risk work is performed. Holders of existing qualifications are required to convert to the new High Risk Work Licence in a phased approach over five years. Last year tickets issued before 3 April 1995 were required to be converted to the new licence by 1 September 2011.

This year, those people with qualifications issued between 4 April 1995 and 31 December 1998 must convert to the High Risk Work Licence before 1 September 2012. SafeWork SA is actively delivering this message through a combination of direct mail, print, radio and online advertising across both metropolitan and regional areas. It is important that people with qualifications issued between 4 April 1995 and 31 December 1998 convert to the new High Risk Work Licence by 1 September 2012.

Anyone who does not convert their qualifications to the new licence may find that they cannot work without being formally assessed again, which will be costly to operators in terms of



time and money, but more importantly in terms of the opportunities sacrificed by not having a nationally recognised High Risk Work Licence. I would like members to encourage their constituents whose qualifications fall within this conversion period to contact the High Risk Work Conversion Line on 1300 975 909 or visit the SafeWork SA website for further information.

### ELECTRICITY PRICES

**The Hon. M. PARNELL (14:56):** I seek leave to make a brief explanation before asking the Minister for Agriculture, Food and Fisheries, representing the Minister for Mineral Resources and Energy, a question about electricity prices.

Leave granted.

**The Hon. M. PARNELL:** An increasing number of energy commentators and alert consumers have noted that falling wholesale electricity prices are not being passed on to consumers. According to the Australian Energy Market Operator, the average wholesale price for electricity this year is \$30.82 per megawatt hour, which is the lowest it has been since 2003, when the price was \$30.11. Generally the price has been falling over the last five years.

One reason for this drop has been the rapid increase in renewable energy, particularly wind energy, in South Australia, which now comprises around a quarter of all electricity produced in this state. On the other hand, the retail price for electricity that is paid by consumers is going through the roof. My questions are:

1. Why is it so?
2. Does the minister accept that this is a classic case of market failure?
3. Does the minister accept that the big end of town is making money at the expense of households?
4. What will the government do to stop this rip-off?

**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 important questions and will refer them to the Minister for Mineral Resources and Energy in another place and bring back a response.

### REGIONAL TELECOMMUNICATIONS

**The Hon. J.S. LEE (14:59):** I seek leave to make a brief explanation before asking the Minister for Regional Development a question about regional telecommunications.

Leave granted.

**The Hon. J.S. LEE:** Reported on 25 May 2012 on ABC radio, Regional Telecommunications Independent Review Committee Chairwoman, Rosemary Sinclair, stated that 'it is unlikely mobile phone services in regional Australia will improve without government funding and support'. The federal government's Regional Telecommunications Independent Review Committee made 33 recommendations for improving services across Australia. Shadow federal minister for regional communications Luke Hartsuyker stated in his media release on 24 May that:

...the review of regional telecommunications services has found poor mobile reception is the number one concern for residents in regional Australia. The Labor government has failed to invest in improving mobile phone coverage despite it being such an obvious problem.

Ms Sinclair confirmed on ABC radio that 'we would like to see the federal government get together with the state government, industry and local government to determine a collaborative approach'. She continued to say:

...the committee was very interested in the model adopted by Western Australia, where the state government was very involved in funding a considerable extension to the mobile network.

My questions to the minister are:

1. Does the minister acknowledge that the state government has a responsibility for supporting and improving regional telecommunication services?
2. What consultations has the Minister for Regional Development had with the federal government or with the state Western Australian government to improve the service?

3. What measures and collaborative approach will the minister advocate to improve mobile coverage to regional cities so that farmers, businesses, tourists and regional South Australians will not be disadvantaged and left behind?

**The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for Tourism, Minister for the Status of Women) (15:00):** I thank the honourable member for her most important question. There are a number of things that this government has done to assist in mobile coverage. As Minister for Regional Development, using one of my grants, I recently funded the construction of a mobile phone tower in the South-East to assist with coverage in that area. So, there are numerous examples of this government working with regions to identify areas where there are concerns and to assist wherever we can.

Generally speaking, however, telecommunications is not an issue that is a responsibility of the Minister for Regional Development but, as I said, in my own small way I have certainly made some contribution. I know it is not directly related but it does overlap, and that is our national program of the National Broadband Network rollout. I will have to mention something about that here in this space. The National Broadband Network is obviously a very important national initiative, and three technologies will be delivered: the optical fibre to premises, 93 per cent nationally; fixed wireless, around 4 per cent; and satellite, 3 per cent, being used for locations where fibre is not feasible, such as regional and remote areas.

I think there was something in the *Stock Journal* today that talked about how important the National Broadband Network rollout was for regions. In fact, I think it was Brenton Lewis from here in South Australia who made a comment and said how important it was and how it opened so many doors for regions. So, it was our own Brenton Lewis, and I am pretty sure it was the *Stock Journal* today that ran a quote from him. The NBN is most important for connecting the bush.

I have just been advised that the particular tower that I referred to—I should make sure I do correct the record—in fact did not go ahead because, in the end, when they did the business case, it was decided it was not worthwhile. But, as regional development minister, I was certainly prepared to put a grant towards that project, so I have certainly indicated my commitment. If the project had gone ahead, I was certainly willing to contribute state funds to that. I need to make sure that that is updated.

The national program is being delivered on a staged deployment basis, and the South Australian government is working with the federal government and the NBN Co. to achieve the best possible outcomes for South Australia. Cabinet approved the establishment of a SA government NBN task force to lead and coordinate an across-government interaction with the NBN Co. The NBN publicly released a 12-month national rollout, and this adds a number of sites to the rollout in South Australia, such as Aldinga Beach, Modbury, Port Augusta, Port Elliot, Seaford, McLaren Vale, Stirling, Strathalbyn, Yankalilla, and a number of others. Willunga was one of the five national first-release sites, and it had a 91 per cent take-up rate of premises owners agreeing to have a fibre connection, and this is the highest of all national first-release sites.

So, we can see how our country areas are very much embracing this technology to keep them connected. NBN Co. has announced the metropolitan and regional sites that will be rolled out over the next 12 months, and they cover 65,000 South Australian premises. The South Australian government is also actively considering the impact on government operations where the South Australian government will use services delivered.

Locations in regional South Australia will be served by the NBN in the following ways. Some regional South Australian locations were included in the recently released three-year rollout scheme. Other regional locations will receive additional NBN fixed wireless coverage, but the details of this have yet to be released. The NBN Co. interim satellite service, which provides upgraded satellite services, is available now to eligible premises, ahead of the final satellite service expected to be available in 2015, when NBN Co. launches its own satellite services.

Of course, many regional locations are also benefitting now from wireless broadband services provided under the Broadband Development Fund, some of which provide services comparable to the entry level NBN services. So, we can see that a great deal is being done to make sure that our regions are connected and that our regions can share in and move ahead and form a future for South Australia.

**SKILLS FOR ALL**

**The Hon. J.M. GAZZOLA (15:07):** My question is to the Minister for Communities and Social Inclusion. Minister, will you inform the chamber about what the South Australian government is doing to support job seekers with a disability?

**The Hon. I.K. HUNTER (Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (15:07):** I thank the honourable member for his most important question. A report released today by the Council of Australian Governments shows that there has been minimal growth nationally in the labour force participation of people with disabilities. All of us should be concerned by these findings, and I certainly am.

It is true that South Australia sits slightly above the Eastern States in terms of participation rates, but that is not good enough. It is my firm belief that government departments should be leaders in this regard. In 2006, only 777 people with disabilities were employed in the South Australian public sector. As a result, South Australia's—

*Members interjecting:*

**The Hon. I.K. HUNTER:** Mr President, is this an indication of the disdain members opposite feel for people with disabilities in the community who are trying to seek employment in our society?

*Members interjecting:*

**The Hon. I.K. HUNTER:** Mr President, the mob opposite are absolutely a joke, sir. They cannot even sit here quietly—

*An honourable member interjecting:*

**The PRESIDENT:** Order! No; he might want you to listen. The minister might try again.

**An honourable member:** He sat down!

**The PRESIDENT:** I sat him down.

**The Hon. I.K. HUNTER:** Well, Mr President, clearly, you're interested in hearing what I have to say about this matter, but the opposition aren't.

**The PRESIDENT:** I am sure the honourable members on my right want to hear the answer—and some on my left, of course.

**The Hon. I.K. HUNTER:** In 2006, only 777 people with disabilities were employed in the South Australian public sector. As a result, South Australia's Strategic Plan included a target to double this number by 2014, and I am pleased to say that we are on track to meet this target. As at June 2011, this number has grown to 1,258. Within my department, 4.3 per cent of employees report that they have a disability.

But this is not just an issue for government. This is a broader issue, and that is why the state government's \$194 million Skills for All reforms are so very important. The reforms aim to revitalise vocational education and training in South Australia. We want to encourage more people than ever to enter training and to successfully complete that training and gain employment.

Under the reform package announced by the Minister for Employment, Higher Education and Skills in the other place, the Hon. Tom Kenyon, funding is quarantined for jobseekers with a disability to boost their skills and qualifications. Participants will benefit from specialist support and, if they study at TAFE, will receive additional services such as case management and learning support. This approach follows on from the Abilities for All program, a partnership between the Bedford Group and the South Australian government that has been in operation since the financial year 2003-04.

The Abilities for All program provides pathways for jobseekers with disabilities, but the primary aim is to enable people with a disability to undertake training in a supported way that improves skills, confidence and, eventually, employability. This program has been a success. Of the 128 participants who completed the program in 2009, Bedford advises that 80 per cent completed their Certificate I in Business, 95 per cent completed their work experience placement and, most importantly, 32 per cent of participants have gone into employment.

It should also be added that 22 per cent have gone on to further study and the number employed has grown beyond this audit period, I am advised. I also note that yesterday Senator Jan McLucas announced a \$1.9 million injection into Australian Disability Enterprises (ADEs). This is further evidence of the commonwealth's commitment to employment for people living with a disability and, on behalf of the South Australian government, I say that I welcome it.

The fact is that as our economy transforms we will be requiring a more highly skilled workforce, so we need to ensure that more people have the relevant skills to participate in work and further training, and this includes people with a disability. As I have said time and time again, the Weatherill government wants people living with a disability to have more control, more freedom and more choice in their lives. The Skills for All package announced by my colleague in the other place is another example of this desire being put into practice.

#### SKILLS FOR ALL

**The Hon. K.L. VINCENT (15:11):** I have a supplementary question. Is the minister equally concerned about the stigma that exists in the workplace which may, in fact, lead to people not disclosing that they have a disability, and what is the government doing to address this problem?

**The Hon. I.K. HUNTER (Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (15:12):** In fact, I was discussing the issue of stigmatisation with various service providers only a few weeks ago, particularly in relation to getting people with disabilities into open employment, which I think we can all agree is a desirable outcome. The government is working very closely with a number of organisations in the community to encourage businesses in particular to look at employing people with a disability. The experience that has been conveyed to me is that, once that personal connection has been made with a person with a disability; once the employer and their workmates find out that that person can function just as well as anyone else in the workplace, that sort of stigmatisation is broken down. As in many other situations, that personal contact is so very important.

#### SKILLS FOR ALL

**The Hon. S.G. WADE (15:12):** I have a supplementary question. The minister referred to a State's Strategic Plan target in terms of both public sector employment and wider employment. Could the minister advise which is the lead agency in relation to that strategic plan target?

**The Hon. I.K. HUNTER (Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (15:13):** I understand the lead agency for that strategic plan target will be employment, higher education and skills.

**The PRESIDENT:** The Hon. Mr Wade has a further supplementary.

#### SKILLS FOR ALL

**The Hon. S.G. WADE (15:13):** Could I ask the minister to take that question on notice, because my understanding is that he is the lead agency for wider employment.

*An honourable member interjecting:*

**The PRESIDENT:** Order! The Hon. Mr Wade has been here long enough to know what a supplementary question is.

**The Hon. S.G. Wade:** I am just trying to encourage the minister not to mislead the parliament.

**The PRESIDENT:** It is to ask the question without explanation.

**The Hon. I.K. HUNTER (Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (15:13):** Encouragement is always welcome and, if I am wrong, I will come back and correct my position. However, I understand in relation to the question—if I took it correctly—the lead agency will be as I suggested.

#### JOHN KNOX SCHOOL PRECINCT

**The Hon. D.G.E. HOOD (15:13):** I seek leave to make a brief explanation before asking the Minister for State/Local Government Relations a question about the state heritage listed John Knox School precinct at Morphett Vale.

Leave granted.

**The Hon. D.G.E. HOOD:** I ask today about a historical school and church building situated on William Street, Morphett Vale, which is parallel to Main South Road within the main shopping district at Morphett Vale. The precinct gives the name Knox to the ward of the Onkaparinga council that surrounds it. This is the same state heritage precinct about which this council received at least 1,069 signatures calling for the acquisition of the precinct and a partnership with Onkaparinga council to determine the use of the precinct as a public asset.

These petitions arose after community concern at the deterioration of the precinct under private ownership, particularly graffiti vandalism that saw council for a time monitoring the site on a weekly basis even though it was a state heritage responsibility. At that time, council was seeking clarification on the division of responsibilities between itself and the state government regarding heritage matters such as this. No state or local government agency acquired the precinct as the petitioners requested, but it was reportedly approved for development as a childcare centre, and allegedly the title has now been subdivided. DENR agreed to the development and said in writing, and I quote:

The current owner has agreed by means of a Heritage Agreement to undertake basic stabilisation and protection works to the two listed buildings, subject to full development approval for adaptive re-use as a child care centre being granted. These works would not leave the buildings in the restored and usable condition proposed under the child care development, but would ensure an adequate level of protection in the medium term.

I now understand that the development application lapsed last April and did not proceed. I have received allegations that the previous heritage agreement required those works to be performed whether or not a childcare centre was built on the site. My questions to the minister are:

1. Will the minister obtain a briefing, consult with the relevant stakeholders and bring back a response by way of a ministerial statement to this house as soon as possible, ideally within the next 30 days, on this matter?

2. Will the minister intervene if he believes the principles of heritage protection and proper relations between state and local government agencies are not being properly adhered to in this case?

**The Hon. R.P. WORTLEY (Minister for Industrial Relations, Minister for State/Local Government Relations) (15:16):** I would like to thank the honourable member for his question. His question is quite specific and does cut across a number of portfolios, so what I will give an undertaking to do is take it on notice and get back to you as soon as possible.

#### MURPUTJA POLICE STATION

**The Hon. T.J. STEPHENS (15:16):** I seek leave to make a brief explanation before asking the Minister for Communities and Social Inclusion, representing the Minister for Police, questions about the Murputja police station.

**The PRESIDENT:** Which police station?

**The Hon. T.J. STEPHENS:** Murputja.

Leave granted.

**The Hon. T.J. STEPHENS:** You would know it well, Mr President.

**The PRESIDENT:** Yes, I do.

**The Hon. T.J. STEPHENS:** You would have shorn there at some stage, I am sure.

**The PRESIDENT:** I might have even been inside there at some point.

**The Hon. T.J. STEPHENS:** I suspect. I was recently informed by locals on the APY lands in the north-west of our state that the Murputja police station is currently understaffed, with only two permanent officers instead of its station complement of three officers. Apparently this has been the case for the past 18 months.

On many occasions, if one of the officers is sick or on leave or has to relieve another officer somewhere else on the lands, the Murputja station is left with only one officer. Given the remoteness of this station, this is completely undesirable and has an adverse effect on effective policing operations in these remote communities. I must say that I admire the work of these police officers under often difficult and dangerous conditions. My questions to the minister are:

1. What is the reason for the cutback of the Murputja station to only two officers?
2. Is the government planning on reinstating a third position at Murputja?
3. If not, why not?

**The Hon. I.K. HUNTER (Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (15:17):** I thank the honourable member for his hide, for coming in here and asking a question about police on the APY lands. I do undertake to take that question to the Minister for Police in the other place and to seek a response on his behalf.

#### MURPUTJA POLICE STATION

**The Hon. T.A. FRANKS (15:18):** I have a supplementary question. During that investigation could the minister also indicate when the position was ever gazetted?

**The Hon. I.K. HUNTER (Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (15:18):** I thank the honourable member for her supplementary question; at least she comes in here with a few more bona fides than the previous question asker. I do undertake to take that question to the minister in the other place and to seek a response on her behalf.

#### BAROSSA VALLEY

**The Hon. G.A. KANDELAARS (15:18):** I seek leave to make a brief explanation before asking the Minister for Tourism a question about the food tour of the Barossa.

Leave granted.

**The Hon. G.A. KANDELAARS:** The Barossa is one of the world's great wine regions. While the—

*Members interjecting:*

**The Hon. G.A. KANDELAARS:** I will start again, Mr President. The Barossa is one of the world's great wine regions. While the reputation of the Barossa's wines has strong international appeal, the region's food exhibits the same integrity, quality, diversity and heritage. I understand the minister took the opportunity to visit a number of businesses in that region. Can she tell members about these visits?

**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) (15:20):** I thank the honourable member for his most important question. I recently did some travelling around the Barossa visiting various businesses, and I was delighted to be taken on a Barossa food tour by the chair of the Regional Food Industry Association, Jan Angus. I am sure members are aware of the real riches in the Barossa and what the Barossa has to offer when it comes to food and wine. The valley is definitely a food lovers' paradise and has quite amazing local produce on offer.

As Minister for Tourism and Minister for Agriculture, Food and Fisheries obviously I have a great interest in regional food and wine, and I believe they can make wonderful tourism experiences if well done. The Barossa is a fine example of this. Visitors to the region are spoilt for choice when it comes to cellar doors and other places to eat and drink. The tour with Jan was absolutely delightful, I have to say. She was a wealth of knowledge and a lot of fun. It was a great opportunity to see the region and to see what it had to offer.

After a visit to the Barossa Visitor Information Centre our first stop was to the quite amazing Apex Bakery located on Elizabeth Street in Tanunda. The bakery was established in 1924 and to this day still bakes using an amazing huge wood oven—it is quite amazing. The paddles are unbelievable in length because the oven is so deep. Pasties were being cooked while I visited and, although I did not partake while I was there, I am told that cooking using the wood oven creates a taste that cannot be matched by conventional ovens.

During the visit I was able to talk to 'Nipper', who was manning the wood fire oven at the time, and doing a very good job. I was told that the bakery is run by brothers who share the labour, including raising and harvesting trees for the particular type of wood used in the oven and, like many other businesses, Apex Bakery uses local Barossa produce whenever they can and they make all their pastries and bread on-site and everything is cooked in their own oven.

I also visited Careme Pastry and, although I was not able to meet with the Woods, who own the business, I was able to talk to staff who were there, very busy, and was able to watch pastry being rolled out. The pastry is of a very high quality. It is frozen and all hand made, and they endeavour to use locally produced wheat. I think it is rapidly frozen to about minus 18 degrees. It is quite an amazing technique. That pastry is used both commercially and domestically far and wide. I also visited Weich's Noodles, where I talked to the owner, David West, and saw spaghetti being made by hand. It was quite amazing. The staff working at both these businesses are very committed to providing food prepared and processed traditionally, and both use local produce wherever they can.

Our next visit was to the very impressive Louise and the Appellation Restaurant. The establishment offers wonderful accommodation and is home to the renowned Appellation Restaurant, located in the vineyards and rolling hills. The Louise is a great stand-out and has been hugely successful. One of the Luxury Lodges of Australia, the Louise is obviously a labour of love for all involved. I had the opportunity to visit one of the suites—quite amazing. It was absolutely beautiful: beautifully appointed, tastefully fitted and extremely private. No, I did not eat lunch there and did not stay the night either, as I was way too busy. The staff I spoke to were passionate about their region and providing a wonderful local experience for guests.

Following a drive past a number of iconic spots such as Maggie Beer's site and the Barossa Farmers Market, the food tour ended at Jan's farm at Hutton Vale, and there I met a range of businesswomen.

*The Hon. D.W. Ridgway interjecting:*

**The Hon. G.E. GAGO:** No, we didn't have lunch there either. I find it amazing that the Hon. David Ridgway is totally preoccupied with food. All he has done is eat his way through the Barossa—you know, snout in the trough—and fed his way through the Barossa.

*An honourable member interjecting:*

**The Hon. G.E. GAGO:** No, I didn't. But I did meet with a number of local businesswomen who were very impressive and obviously their love for the Barossa and their commitment to their work was quite impressive. Obviously these visits were a great opportunity for me to speak with local businesses and allow me to really appreciate the range of local produce available. I place on record my thanks to all of those I met and to Jan Angas for helping me organise this tour.

## ANSWERS TO QUESTIONS

### SOUTH AUSTRALIAN TRAVEL CENTRE

In reply to the **Hon. T.J. STEPHENS** (6 July 2011) (First Session).

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

1. This government has not made any contribution towards the installation of disability access at the South Australian Travel Centre.

There is the provision in the license agreement between South Australian Tourism Commission (SATC) and Holidays of Australia for Holidays of Australia to seek reimbursement for a portion of the cost of installation of the fully compliant wheelchair lift. This reimbursement has not been sought.

2. The disabled access was installed on 1 September 2011.

3. Holidays of Australia promoted and sold all South Australian products listed on SATC's Australian Tourism Data Warehouse (ATDW) database. Holidays of Australia did not own any product and was therefore in a position of neutrality, promoting all products equally.

4. Yes

5. The tender process commenced in March 2011 and was required to be complete and handed over to the successful company by 30 June 2011.

The Holidays of Australia tender was selected as the best option in a competitive tender process. The short time between awarding the contract and handing over to Holidays of Australia

caused a delay in the installation of suitable disability access, which was installed as soon as practicable after the change over to the new operation.

#### LYELL MCEWIN HOSPITAL

**The Hon. R.P. WORTLEY (Minister for Industrial Relations, Minister for State/Local Government Relations) (15:26):** I table a copy of a ministerial statement relating to the Lyell McEwin Hospital emergency department made earlier today in another place by my colleague the Minister for Health and Ageing.

**An honourable member:** More disasters.

**The Hon. R.P. WORTLEY:** No, it's all good.

#### CHARACTER PRESERVATION (BAROSSA VALLEY) BILL

Adjourned debate on second reading.

(Continued from 15 May 2012.)

**The Hon. D.W. RIDGWAY (Leader of the Opposition) (15:27):** I rise to make some opening comments in relation to the Character Preservation (Barossa Valley) Bill 2012. It is interesting that the minister has just finished question time with her description of her tour of the Barossa with Jan Angas and other important people in the Barossa. I had a similar tour some months ago. I went to Apex Bakery and the noodle factory, drove past the Louise and also ended up at Hutton Vale where I did have a lunch and it was a very pleasant lunch.

It is interesting to look at these two bills, this one and the Character Preservation (McLaren Vale) Bill, and their history. Before the last election the Hon. Robert Brokenshire introduced a bill, which I think was called the Willunga Basin Protection Bill, which was similar in a broad sense in its intent to offer some level of protection for these areas against urban sprawl.

At the time the government voted against that piece of legislation. I indicated on behalf of the opposition that, while we did not think it was the perfect model, we were supporting it because we saw the intent and the sensibility of having something placed on the record that we recognise these areas as being important.

So, we look now at how these two pieces of legislation have come before us. We saw the issues at Seaford Rise where we had land that had been rezoned for some 30 years that the Liberal government had chosen not to put onto the market and to sell even through the darkest days of the State Bank disaster. The Liberal government of the day respected the wishes of the local community and saw that as land that was not suitable to be rezoned. But, no, this government in some of the best economic times this state has seen chose to put it on the market.

We saw the local outcry and the concerns raised by the local member, Mr Leon Bignell, the member for Mawson. It is quite interesting; the silence was deafening from Mr Bignell prior to the last election when this was being sold. It sold under an open tender in a very open and transparent process. The silence from Mr Bignell about this sale was deafening, but, of course, once the sale went through and it looked as though it would be developed, Mr Bignell suddenly found his voice.

Concerns were raised in the Mount Barker area, with a ministerial DPA imposed by minister Holloway and the final rezoning announced while he was on leave by the now Treasurer, the Hon. Jack Snelling. We have seen the outrage in the community there and more broadly answered by the now Minister for Urban Development and Planning—or Planning now because the government split Urban Development off to minister Conlon. The Hon. John Rau said that the government got it wrong in Mount Barker and that it would never happen again on his watch. That, I guess, is the forerunner to where we are today, where we see these two pieces of legislation.

I will not conclude my remarks today, but I do want to put a couple of comments on the record so that we can actually progress the debate while the Hon. Robert Brokenshire—who we all hope is making a speedy recovery from his recent health incident—is away. The Hon. Mr Brokenshire has a particular interest in this legislation, so I thought it only fitting that we do not complete it this week but wait until he is back in the chamber, and I know the minister was happy to facilitate that.

When we saw the initial bills tabled and the public discussion that ensued, we saw two particular areas zoned: the McLaren Vale area was outlined, which went right up to the back of the Adelaide Hills, and the Barossa Valley protection zone, which went all the way out and included the Mid Murray Council. Henschke's Hill of Grace winery was also covered in that particular area.



Parliament, of course, was prorogued and when we saw the new bills that came back early this year, we saw two new areas. I think most people are quite relaxed about the area contained in the McLaren Vale protection zone because it is now limited to the Onkaparinga council.

As members would know, I live in Mitcham. The original map shows that, if I walk to the top of the hill in my street—close to the Hon. Robert Lawson's house—that would be in the McLaren Vale protection zone. So, I guess I could have walked to the top of the hill with a bottle of wine and had my own vines in Robert Lawson's backyard. So, really, it did not bear any real resemblance to the area I thought the government and the community were trying to identify. So that was changed.

We then saw the Barossa Valley protection zone changed to such an extent that the world's most famous single vineyard and winery—the winery that makes Henschke's Hill of Grace wine—was no longer in the protection zone. One of the reasons for having the protection zone was to enhance and protect our iconic tourism assets. I have visited that winery. I think they have been selling wine there for 150 years. In fact, because there was no accurate way to measure it, they would weigh the barrels, because they knew that wine at a certain alcoholic content would be a certain weight. That set of scales is still sitting at the door today. It just shows how old it is and why that particular winery should be part of any zone that wants to protect iconic parts of our tourism, food and wine and agricultural heritage.

I was a bit bemused as to why this had been taken out, so I asked the minister here some questions to pass on to minister Rau. His claim is that the Mid Murray Council said that it did not want to be involved. Interestingly, since then, the Barossa council has said that it does not want to be involved either. It is interesting that minister Rau is prepared to listen to the Mid Murray Council but is in fact quite offended that the Barossa council does not wish to be involved. So, there are some mixed messages coming out of the minister's office.

Of course, in the other chamber, minister Rau said that he had written to me and offered that, if I would like to re-include the Henschke's winery in the protection zone, he would be happy to accommodate it. It took close to three weeks before that letter was hand-delivered to my office. It was never posted or, if it was, it was lost or did not have a stamp on it, so I was a bit disappointed—

*Members interjecting:*

**The Hon. D.W. RIDGWAY:** When the minister's office comes and delivers and says 'Here, we finally got the copy to you,' you know it has not been lost or misplaced in my office. We never received it. We received an emailed, scanned copy. It is also interesting that the minister spoke on that Tuesday. On the Monday of that week I had a briefing with senior offices from planning and members of his staff and I asked about the Henschke's issue and they said, 'Well, you can do that in parliament if you like.'

There was not a mention such as, 'The minister's actually quite happy; he has written to you last week and posted it, you know. You should have received it.' There was no mention of that. I was intrigued as to exactly where the boundaries are going to be and also the town boundaries, and I will come to them shortly. If we look at the bill just quickly, it provides, under Part 3—Interpretation:

*district* means the area defined as the Barossa Valley district by the plan deposited in the General Registry Office at Adelaide and numbered GP 4 of 2012 (being the plan as it exists on the prescribed day) but does not include the areas marked as townships on the deposited plan;

The reason I say that is that we now have the minister saying, 'Yes, you can have it back in'—referring to Henschke's—and I will come to some other comments made by some other stakeholders in a moment.

I have suggested that it should be the Eden Valley Geographical Index (GI), which is a well-recognised geographical index for wine regions. It is determined by altitude—so many metres above sea level—and the geography. That is what I have suggested but, from opposition, of course we do not have the resources or the facility to draw accurate maps.

The minister says I can have it back in, and he has asked me in the letter to write to him, and I will do so, but I am also interested in some comments sent through yesterday from the Chairman of Food Barossa, I think Victoria Rezonja, in which she says:

In response to media coverage of the draft agricultural preserve bill, Linda Bowes, chairman of the Barossa Grape and Wine Association and myself met with minister Rau to clarify a few things. The minister was extremely generous with his time and answered all of our questions. Here are some of those questions and answers.

I will not go through all of them, but one of them is, 'Will the Eden Valley be included within the preserve boundaries?' The answer is yes. So, minister Rau has said to this group, 'Yes, it will be in.' Is it all of the Eden Valley? Is it just Henschke's winery? I think, before we debate this further, we should actually see the exact boundaries that the minister is talking about because, as I said, when this legislation passes, if it passes, whatever map we have will be deposited in the General Registry Office. If the boundaries are not accurate, parliament has to change the boundaries again.

We have to make sure that when we come back—when the Hon. Robert Brokenshire is back on deck and we debate this, probably on the next sitting day—we know exactly what the boundaries are. I know you will not permit me to hold up aerial photographs, Mr President, but I have two maps here: one is of the Beckwith Park facility and one is of the Tarac facility. I think it is called the North Para Environment Control Pty Ltd, which is a waste water treatment facility. The Beckwith Park facility is at Tanunda Road, Nuriootpa. There is a small area that is a bitumen car park and, for your benefit, just so you can see it, Mr President, it is that little red area there.

**The PRESIDENT:** I will mark that as Exhibit A.

**The Hon. D.W. RIDGWAY:** Exhibit A—that is in the agricultural preserve area, yet it is a bitumen car park, so it does not comply with anything that belongs in the agricultural preserve area. It should be inside the town boundary, but for some reason the boundaries were not adjusted on the map and so, in the maps lodged with the General Registry Office, that piece of land is in the agricultural preserve area as those maps exist today. I see the Hon. Gerry Kandelaars smiling in the background. He just told us a few moments ago how wonderful the Barossa was.

**The Hon. G.A. Kandelaars:** It is; it's true.

**The Hon. D.W. RIDGWAY:** And it is. If this government is serious about their intent, surely we should have accurate maps.

**The Hon. J.S.L. Dawkins:** Get their act together.

**The Hon. D.W. RIDGWAY:** As the Hon. John Dawkins says, 'Get their act together.' Equally, the North Para Environment Control facility, which has a number of hectares of wastewater treatment ponds, is in the agricultural preserve. So, no development will be allowed to enhance them, protect them and make the operation better because it is not a development that is allowed within the agricultural preserve under this particular piece of legislation as proposed by the government.

What I am asking the minister to do—this minister here—is to speak to minister Rau and, in the 10 days or so before we come back to complete the debate on these bills, actually check every township boundary and make sure that they are accurate and that the land that is to be in the town is in the town and that the land that is to be in the agricultural preserve is in the agricultural preserve. So, that is for every little town in the Barossa. Also, come back and clearly define the proposal for Eden Valley. Is it all of Eden Valley? Is it just to cover Henschke's? What are we talking about? Clearly, the minister has told the lady from the Barossa wine group, Victoria Rezonja, that it will be in, but we do not know what particular area we are talking about.

I have also had a number of discussions with the Barossa Council. The Barossa Council officers have had meetings and a task force was set up with the minister's office. The Barossa Council believe they have agreement on a range of amendments and that the minister is prepared to change the bill, yet we have not heard any discussion of that. I am not sure whether it is just the minister's staff saying that the minister is happy to do it and the minister is not, or whether there has been any agreement at all reached between the Barossa Council and the minister himself. At the very least, this chamber needs to see exactly what areas we are talking about and not maps that are inaccurate. We may well have to come back—

**The Hon. Carmel Zollo:** Perhaps the minister should give you a briefing.

**The Hon. D.W. RIDGWAY:** It is not a briefing. I have had a number of briefings. I have met with the minister's office. The Hon. Carmel Zollo says, 'Have a briefing.' I met with them. They did not tell me that he had written to me, yet he almost attacked me in the House of Assembly for not responding to his letter that I had never received. I think there is a big disconnect in the minister's office. When you see aerial photographs with areas that are bitumen car parks that are now in the protection zone, in the agricultural preserve, clearly they have it wrong.

It would not be that difficult, I would have thought, to go back and check the maps and make sure that the areas that they determine to be of agricultural importance are in the agricultural

zone and that the areas that are to be towns are towns and not something else. It is a pretty simple thing to do.

So, it is not about me having briefings. It is up to the minister to stand by the maps and the information that he has provided. If it is not accurate, adjust it and make sure, in 10 days' time when we come back to debate this bill after estimates, that we have accurate information. With those few words, I seek leave to conclude my remarks, but do beg the minister to provide this chamber with accurate information before we continue the debate.

Leave granted; debate adjourned.

### OCCUPATIONAL LICENCES

**The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for Tourism, Minister for the Status of Women) (15:43):** I table a copy of a ministerial statement relating to occupational licensing made earlier today in another place by my colleague the Hon. John Rau.

### GRAFFITI CONTROL (MISCELLANEOUS) AMENDMENT BILL

In committee.

(Continued from 13 June 2012.)

New clause 14.

**The Hon. S.G. WADE:** I thought it might be useful for the committee for me to clarify or correct a comment I made yesterday. I think I might have led the committee to believe that the only substantial difference between the two amendments (the opposition amendment and the government amendment) is that the opposition amendment includes consideration of the impact of licence disqualification.

On reflection, there is a more significant and perhaps an even fundamental difference, which I think means, shall we say, another difference between the two—although I strongly advocate the opposition amendment—that being the timing. I remind the committee that the committee has already agreed to a sunset clause operating from the fourth anniversary. The foreshadowed amendment by the government anticipates a review on the fifth anniversary.

It would be ludicrous to have a review after the sunset clause took effect. The opposition amendment, on the other hand, talks about a review being initiated at the third anniversary. If this place would want to be informed about the effectiveness of the laws before it considers the future face of the laws in four years' time, I might urge the committee to prefer the opposition amendment over the government's alternative.

**The Hon. G.E. GAGO:** The government opposes this amendment. This amendment inserts a new section 14 into the bill to require the Attorney-General to undertake a review of the operation and impact of the act after three years. The government is not opposed to the inclusion of a review provision in the bill but believes that it should be after five years of operation, not three, to ensure that there are sufficient statistics available for a thorough consideration to be undertaken for the review.

What the government is particularly opposed to is new subsection (2) proposed by the amendment, which states that the review must include consideration of the effectiveness of sections 10A and 10B in reducing offending for prescribed graffiti offences. Graffiti is the type of offence for which there are generally low detection rates. Many incidents of graffiti vandalism are simply not reported to police, or they are reported to the council only for the purposes of cleaning.

It would be very difficult, if not impossible, to measure the effectiveness of sections 10A and 10B in reducing graffiti offending, as any statistics will be influenced by increases and decreases in the rate of detection. An increase in the rate of detection could result in an increase in the rate of offending and, conversely, if the rate of detection decreases, it could look as if there had been a reduction in offending.

This would not paint an accurate picture of how effective sections 10A and 10B may be in reducing graffiti. However, the government is happy to include a provision for a review of the operation and impact of the act after five years of operation and has filed an amendment to that end. I urge members to support the government's amendments and to oppose the Hon. Mr Wade's amendment. I move:

Page 7, after line 40—Insert:

14—Review of Act by Attorney-General

- (1) The Attorney-General must cause a review of the operation and impact of this Act to be undertaken after the fifth anniversary of the commencement of this Act.
- (2) A report on the results of the review must be submitted to the Attorney-General within 3 months after the fifth anniversary of the commencement of this Act.
- (3) The Attorney-General must, within 12 sitting days after receiving the report under this section, cause copies of the report to be laid before both Houses of Parliament.

This amendment inserts a provision for a review of the operation of the impact of the act after five years of operation.

**The Hon. S.G. WADE:** I think the minister's response beautifully demonstrates the point the Hon. Tammy Franks was making in her comments. We are being asked to support this licence disqualification initiative without any evidence in an era when the public sector prides itself on having evidence based policy. But the government is taking that a step further. It is saying that not only is this policy not evidence based but that it does not believe evidence is possible. I find that incredible. The government provided data to me about the incidences of graffiti offending over years.

Even if one does not want to rely on criminal data, police data or, if you like, offending data, I would not have thought a bad indicator was how much councils are spending cleaning up the mess. I do not believe it is beyond the wit of a set of policymakers or academics to construct a useful review. I would urge this government—and I will be keeping this government to account—to make sure that in these early years (years 1 and 2) steps will be taken to put a review in place including collecting relevant data for the review.

It would be shameful for this parliament to be put in a situation where a hollow review is presented to it in a context of considering this sunset clause in four years' time. I urge honourable members to not be bluffed by the government and to trust the policymakers and the academics in that a credible review can be prepared. In fact, I think we should demand it. We should support the opposition amendment and not the government amendment.

**The Hon. T.A. FRANKS:** It will not surprise the council that the Greens will be supporting the opposition amendment, not the government amendment. It does surprise me that the government has the gall not only to have no evidence base to introduce these measures but will not even have them reviewed because they are pretty sure that they will not be able to prove it with a review either.

**The Hon. A. BRESSINGTON:** Yes, I will be supporting the opposition amendment, as well.

The committee divided on the Hon. Mr Wade's proposed new clause 14:

AYES (12)

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

NOES (7)

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

PAIRS (2)

Ridgway, D.W.	Brokenshire, R.L.
---------------	-------------------

Majority of 5 for the ayes.

New clause thus inserted.

Bill reported with amendment.

**The Hon. S.G. WADE:** Point of order: are we still in committee?

**The PRESIDENT:** No, we are finished; that is it.

**The Hon. S.G. WADE:** I thought I could still make a comment in committee even if there are no clauses to consider.

**The PRESIDENT:** There are no clauses left.

**The Hon. S.G. WADE:** I sought the call, Mr President; I thought I was entitled to make a comment in committee.

**The PRESIDENT:** I did not call you.

**The Hon. S.G. WADE:** Sorry; I sought the call, I said.

**The PRESIDENT:** The committee stage is finished. You can say something on the third reading if you like.

**The Hon. S.G. WADE:** My point was that the minister indicated earlier in the debate—yesterday, the day before or whenever we considered it—that the government may be considering recommitting an earlier clause, and I was wanting to stand in committee to say that I think that this would be a good time to report progress—

*The Hon. G.E. Gago interjecting:*

**The Hon. S.G. WADE:** Excuse me; I have got the call—the point being that I think there was an opportunity on an earlier clause—

**The Hon. G.E. Gago:** If I wanted to get up and recommit something I would get up and recommit something.

**The Hon. S.G. WADE:** —to seek an agreeable amendment.

**The PRESIDENT:** If you wanted to recommit something you could have done that.

**The Hon. G.E. Gago:** What a control freak; you want to run the whole chamber!

**The Hon. S.G. WADE:** I can ask the—

**The PRESIDENT:** The committee stage is now finished. I have put the title and I am going to make the report. The bill, if it is agreed, will be read for the third time and passed.

**The Hon. G.E. Gago:** If I want to recommit something, I will recommit something; I do not need you to help me.

**The PRESIDENT:** Yes; it is the minister's bill. Minister: it is your bill.

**The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for Tourism, Minister for the Status of Women) (15:58):** I move:

That this bill be now read a third time.

**The PRESIDENT:** The Hon. Mr Wade, you want to speak on what?

**The Hon. S.G. WADE (15:59):** I want to speak on the third reading of the bill, which is my right as a member of this council.

**The PRESIDENT:** Well, speak as a member of this council.

**The Hon. S.G. WADE:** I express my disappointment that the government rapidly closed the committee stage when it had previously indicated—

*Members interjecting:*

**The Hon. S.G. WADE:** Excuse me; I would like to finish my remarks.

**The Hon. G.E. Gago:** He is so full of himself!

**The PRESIDENT:** Get it right.

**The Hon. S.G. WADE:** I am disappointed that the government rapidly closed the committee stage and did not choose to recommit the earlier clause in relation to the specification of graffiti implements in the context of securing and sale to minors. Discussions between the opposition and the industry overnight have revealed that the government is indicating to the industry that the only items that they are intending to specify in the act are wide-tipped markers and spray cans. That is not too difficult to specify in the act, and we are disappointed that the government did not take the opportunity to recommit that clause and amend it accordingly.

**The Hon. T.A. FRANKS (16:00):** The Greens also echo disappointment in the lack of recommitting of that particular clause, as we did agree that graffiti implements should indeed be defined in the act. The government is much more interested in the rhetoric that it can get from a media conference that it is about to do on this bill about law and order, based on zero evidence and based on a complete unwillingness to actually review the success of whether or not taking away a young person's or an older person's driver's licence will in fact stop them from offending. This is an absolute joke. This government is a joke. It has not lost the law and order rhetoric of the last 10 years; it should be ashamed of itself because it is exploiting this issue for political gain. It is quite transparent from—

*Members interjecting:*

**The Hon. T.A. FRANKS:** The government may have the numbers in the other place; they do not have the numbers this place, and they are not respecting democracy, just as they are not respecting young people in this particular bill. It has been a joke of a debate. It has had no evidence base to bring this before us, and it is yet another example of playing politics rather than policy. I would have hoped that the Weatherill government was better than that.

**The Hon. D.G.E. HOOD (16:01):** Just a very quick comment from me. I want to clarify very quickly what happened at the last vote. Sir, as you are well aware, we had opposed the amendments put to this bill, but the last amendment actually sought to have a review after three years and, because the sunset clause was successful in an earlier debate, those provisions would be removed after four years. So, I saw no alternative but to support a review after three years, as opposed to five years.

**The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for Tourism, Minister for the Status of Women) (16:02):** What a joke! The Greens are such a joke! Here we see the Greens supporting an amendment that is a complete nonsense amendment—it is unworkable. The Greens supported that amendment and now they get up at the third reading and whack the government for not bringing back a further amendment to unpick the mess they have supported. What an absolute joke. You're a joke, an absolute joke. They have supported something that is completely wrong, completely unworkable, and now they have the audacity to get up here and whack the government because they have joined up and supported a nonsense, unworkable amendment. The government will have to go away and somehow try to sort that out.

There are lots of ways we can sort it out, but they are an absolute joke and they have been shown to be the joke that they are. They are so proud of the work they do here—and now we have a piece of legislation that is unworkable, that will lock up toilet brushes, mops and dustpan brushes. They will all be locked up, and you will have to go in there and be supervised. And you have supported it, and Ann Bressington supported it as well. They are completely embarrassed now because they have put forward an irresponsible amendment—irresponsible. They have not thought it through.

We do not push through legislation here. If they wanted more time they could have reported progress. Did you hear them report progress? No, Mr President. They had as much time as they wanted. The opposition and minor parties had as much time as they wanted to deal with this piece of legislation in a responsible way. We never gag debate. If the opposition or any minor party had moved to report progress, we would have reported progress—it is as simple as that. But, no, they all sat there on their hands, supporting this nonsense amendment (or a series of them actually, but one in particular) and now they are embarrassed because we have a piece of legislation that is completely silly.

The Hon. Tammy Franks talks about selling out the young people. She has now helped deliver a nonsense piece of legislation that absolutely penalises young people. Minors can no longer go into hardware shops and buy a dust brush or a toilet brush, as it is highly likely that all these things will be locked up. She has talked about selling out young people. She is the one who

has sold out young people with supporting this nonsense piece of really silly and unworkable legislation. They are embarrassed, and you can see that by their behaviour, and they should hang their heads in shame.

The council divided on the third reading:

AYES (18)

Bressington, A.  
Finnigan, B.V.  
Hood, D.G.E.  
Lee, J.S.  
Ridgway, D.W.  
Wade, S.G.

Darley, J.A.  
Gago, G.E. (teller)  
Hunter, I.K.  
Lensink, J.M.A.  
Stephens, T.J.  
Wortley, R.P.

Dawkins, J.S.L.  
Gazzola, J.M.  
Kandelaars, G.A.  
Lucas, R.I.  
Vincent, K.L.  
Zollo, C.

NOES (2)

Franks, T.A. (teller)

Parnell, M.

Majority of 16 for the ayes.

Third reading thus passed.

**TAFE SA BILL**

In committee.

(Continued from 13 June 2012.)

Clause 1.

**The Hon. R.P. WORTLEY:** Last time we met on this bill, the Hon. Mr Lucas asked a number of questions which I would like to answer now. The figure of \$8.4 million is simply the sum of annual operating deficits for TAFE SA over the last five years. Under current budgetary arrangements, TAFE SA's operating outcome is addressed within the overall budget of the Department of Further Education, Employment, Science and Technology. The department has achieved on, or better than, budget results over this period, which means that the annual deficit of TAFE SA has been funded in the year that it is incurred.

TAFE SA surpluses or deficits are managed within an annual budget cycle. This year, there is no accumulation of deficits between financial years. The financial management arrangements that will be implemented once TAFE SA becomes a statutory authority will continue to require TAFE SA to develop and manage its budget in accordance with the financial targets set for the further education, employment, science and technology portfolio in the budget.

The budget performance of the department and TAFE SA will be managed in accordance with the budget allocated to the portfolio. Appropriation funding will be made to DFEEST, which will have responsibility for the management of portfolio financial outcomes. Within this portfolio approach, costs associated with TAFE SA's transition to a sustainable budget position will be supported with structural adjustment funding from the department.

This funding, which will be recorded as revenue by TAFE SA, is intended to enable TAFE SA to commence operation as a statutory authority with a balanced operating position and support to achieve a managed transition to a more commercial and competitive operating environment. The financial assessment of TAFE SA's position that will be carried out prior to the proclamation of the legislation will address the requirement for any necessary structural adjustment funding.

As I mentioned previously, the Australian Bureau of Statistics will determine whether TAFE SA is classified as a public non-financial corporation or within the general government sector. This determination will be made based on information on the relevant characteristics of TAFE SA and its operating environment. I am advised that the department and TAFE SA are preparing a submission through Treasury to the ABS to make this determination.

This submission is largely a factual submission as opposed to putting forward a position one way or another. Based on experience in other states, where TAFE institutes have been

established as statutory authorities, it is expected that TAFE SA will remain in the general government sector.

**The Hon. R.I. LUCAS:** Just to clarify the last question first, the situation in other states is that the equivalent bodies to TAFE SA have remained in the general government sector and are not equivalent to the public non-financial corporation sector?

**The Hon. R.P. WORTLEY:** Yes, that is correct.

**The Hon. R.I. LUCAS:** In relation to the first set of questions, my understanding of what the minister has said to the committee is that, in essence, TAFE SA will start with a clean set of books. It certainly will not start with the accumulated deficits of \$8.5 million from the last five years. I am assuming that the projected or estimated \$5.5 million deficit for this financial year, 2011-12, will be similarly absorbed by the portfolio and, as of 1 July or whenever TAFE SA formally starts, it will not start off with the estimated potential \$5.5 million deficit from 2011-12 because DFEEST will have handled that deficit within its appropriation.

**The Hon. R.P. WORTLEY:** The honourable member is correct.

**The Hon. T.A. FRANKS:** I am moving into clause 1 questions. Why is there a lack of objects or purposes clause for this bill?

**The Hon. R.P. WORTLEY:** My advice is that we are just establishing a body, and the long title of the bill will suffice.

**The Hon. T.A. FRANKS:** Can I just clarify—I did not think we had gone beyond clause 1, because I thought responses from the second reading questions actually ended up being given by the minister and we did not move into clause 1 questions the last time this committee sat?

**The ACTING CHAIR (Hon. G.A. Kandelaars):** Yes, we are just on clause 1.

**The Hon. T.A. FRANKS:** Thank you. The minister would be aware that, in 2007, the Victorian government cut all the recurrent government funding to Victorian TAFE colleges and made all government funding for training contestable and open for competition by both public and private providers. Can the minister confirm that the current circumstances facing the TAFE system in Victoria are in fact a direct result of their vocational education training government funding being fully contestable?

**The Hon. R.P. WORTLEY:** It is not purely a fact of contestability. There are quite a number of reasons for this, and one of them is the high growth of expenditure over the last few years which have caused some budgetary problems and they had to make their cutbacks.

**The Hon. T.A. FRANKS:** Can the minister confirm that Mr Chris Eccles was in the Victorian Department of Premier and Cabinet and was an architect of the Victorian market-based model of public TAFE education, and that he has actually been moving on to other states and territories implementing this same model?

**The Hon. R.P. WORTLEY:** I can confirm that he was in the Premier's department in Victoria. He is currently in New South Wales. I can confirm that.

**The Hon. T.A. FRANKS:** He is currently in New South Wales. Can the minister clarify why the government is so confident that a Victorian-style VET system is not set to become the case in South Australia, given that we are about to move to this contestability and be fully contestable over the next six years?

**The Hon. R.P. WORTLEY:** There are quite significant differences between what we have here and what Victoria has. While Skills for All has similarities with Victoria, as well as reforms emerging in other states, there are some quite distinguishing features. Training providers wishing to access public funding under Skills for All must apply and meet rigorous assessment criteria to become a Skills for All training provider. This is in addition to registration as a registered training organisation through the Australian Skills Quality Authority, the national VET regulator.

Until recently, training providers in Victoria did not have to go through an additional process to access funding through the Victorian Training Guarantee scheme and were not subjected to the same level of scrutiny. A number of changes that have been recently announced by the Victorian government are in line with Skills for All and demonstrate that South Australia is setting the example. For example, Victoria will be improving contract standards, with more rigorous and independent financial assessment, and will be introducing a requirement for applicants wishing to access government funding to demonstrate capability to deliver particular courses.



Skills for All already requires applicants to provide evidence against a range of selection criteria that are over and above the requirements for registration. It is a managed demand-driven system to ensure training meets industry needs. Skills for All funded training courses will be strongly linked to industry and workforce needs. A system of caps on the number of funded enrolments will be used to ensure that the state government has not over-invested in areas where there are limited job opportunities.

Training numbers will be monitored across all qualifications, training providers and regions to tailor the subsidy levels and funded enrolments to ensure that the state government invests wisely and makes the best available use of their funds. These caps will be signalled early to the market where Training and Skills Commission and DFEEST data indicates there is an oversupply of qualifications. Therefore, the system will be demand driven but managed by need.

Support for enterprise-specific training needs will be provided through the Skills in the Workplace program, which will allow employers in key target industries to co-invest with government to upskill employees at higher qualification levels and support workforce development. Recent reports about the Victorian training system have expressed concern about an oversupply of certain qualifications. In response, the Victorian government recently announced new subsidy weightings for each course to reflect an assessment of their current public value, with courses of greatest public value receiving the highest level of subsidy and courses of lowest public value the least.

Under the TAFE SA Bill 2012, TAFE SA will be established as a single statutory authority comprised of three institutes. This will ensure that system-wide benefits of TAFE SA are preserved. In Victoria, there are 14 TAFE institutes and four TAFE divisions or universities competing against each other, alongside private providers, for students and contestable government funding. Under Skills for All the training subsidy is more generous and inclusive to people wanting to retrain at the same and lower levels.

The Victorian Training Guarantee has an entitlement for people under the age of 20 to undertake subsidised training. For people aged 20 and over, the entitlement is generally only available for training at a foundational skills level and for any qualifications higher than qualifications already held. Under Skills for All, all funded training at certificate I and certificate II level qualifications designated as priority courses, which are foundational skills courses, will be fully funded by the government, which means students will not pay any course fees. The Victorian government does not fully fund foundation-level courses or train up to and including certificate II level.

Skills for All will introduce a contestable market, which will be managed to ensure that the high reputation of the quality of training in South Australia will be maintained. There will be maximum/minimum restrictions on the course fees which training providers can charge. This will prevent providers from overcharging students or offering training at artificially low prices. Since October 2011, Victoria has removed minimum/maximum fee caps to increase competition on price amongst providers.

The state government is committed to supporting TAFE SA, through Skills for All. TAFE SA is the state's largest training provider and the state's largest provider of publicly-funded training, and it will play a critical role in skilling that workforce.

In recognition of the costs associated with TAFE SA's multiple campuses, with more than 2,300 staff, and its importance to regional South Australia, a higher subsidy rate will be provided to TAFE SA courses. TAFE SA will receive a higher subsidy rate to deliver the same training than non-TAFE SA training providers. This is to acknowledge the higher operating costs of TAFE SA as a public institution, additional operating costs, including using and maintaining more than 50 sites through the three TAFE SA institutes across the state, high infrastructure costs in some program areas, and employment conditions of the staff.

Differentiating staff funding for TAFE SA and non-TAFE SA providers demonstrates transparency and provides appropriate support for TAFE SA to transition into a market-driven model. As a rough estimated average, the base subsidy rate for TAFE SA is \$17.36 per hour, compared with \$9.25 per hour for non-TAFE SA training providers. The actual difference will be more or less, depending on the course being undertaken and the types of units of competency completed within that course, as well as for any loadings due to delivery locations.

The prices for these subsidies, as well as the difference between the subsidies of TAFE SA and non-TAFE SA providers, will be reviewed and modified in line with training and market conditions. This differential price is very different from what is happening in Victoria.

Under Skills for All there is a greater difference between the subsidy levels for TAFE and non-TAFE training providers; that is a difference with Victoria. Subsidy levels are, in fact, significantly higher in TAFE SA when compared with those available to Victorian TAFE colleges.

Recently, the Victorian government proposed to remove the subsidy price differential between TAFE and non-TAFE training providers from 1 July 2012, as well as removing supplementary funding for historical enterprise bargaining agreement outcomes, facilities maintenance and regional provisions from January 2013.

**The Hon. T.A. FRANKS:** Under Skills for All, as you would be aware, there is a requirement for employers to agree to take on unemployed people for trial training. What sort of employer incentives will employers receive and from what source is that, commonwealth or state?

**The Hon. R.P. WORTLEY:** The commonwealth provides funding to the various job service providers, and there will be some cost sharing between the state and the commonwealth.

Clause passed.

Clauses 2 and 3 passed.

Clause 4.

**The Hon. T.A. FRANKS:** Can the minister give an undertaking to provide an audit which gives a clear picture of what the South Australian VET system looks like today, including student contact hours, enrolments, delivery in industry areas by both public and private TAFE providers, and also including the assets of TAFE SA, staffing numbers and infrastructure?

**The Hon. R.P. WORTLEY:** Yes, we can do that.

**The Hon. T.A. FRANKS:** Can the minister also undertake that the government will provide quarterly reports to be tabled in parliament once the new statutory authority is established; these to provide an update of student enrolment numbers, delivery in specific industry areas and funding provided to public and private providers? Obviously, this will enable the government and members of parliament, as well as the community, to track the performance and possible benefits or unforeseen problems with Skills for All once it is in place.

**The Hon. R.P. WORTLEY:** Yes. It will be, like most public corporations, required to submit an annual report to the parliament, and it will continue to do that. There will be some data in regard to student outcomes that will come out quarterly, and they will be available to the public.

**The Hon. T.A. FRANKS:** What protections will be provided or ensured by government to students who may face a potential scam or difficulty by an RTO under the future Skills for All scheme? Will students receive reimbursement for giving up publicly subsidised courses to a private provider who may scam the students? As you would be well aware, this has been endemic in the Victorian model.

**The Hon. R.P. WORTLEY:** The regulation of the providers will be done by the commonwealth government. There is an organisation called the Australian Skills Quality Authority (ASQA), and we will be the only government in the country to have a state training advocate. Naturally, if there are problems regarding students being part of an organisation that goes bankrupt (for whatever reason), they will be looked at on a case-by-case basis.

**The Hon. T.A. FRANKS:** Will the state training advocate potentially take on an ombudsman-like role for these students?

**The Hon. R.P. WORTLEY:** Yes, it is an ombudsman-type role; it is independent.

Clause passed.

Clause 5 passed.

Clause 6.

**The Hon. T.A. FRANKS:** I have a question first, and then I would like to move an amendment. The minister made mention of this in the second reading debate, but why does the

legislation not ensure that the ownership resides with the Crown in the right of the state with regard to intellectual property?

**The Hon. R.P. WORTLEY:** As a statutory corporation, the actual ownership of that stays with that statutory corporation—that is common.

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

Page 3, line 34 [clause 6(1)(a)]—After 'technical and further education' insert:

in a manner that is efficient, effective and responsive to the needs of industry, students and the general community

The Greens move this because in the absence of an objects clause in this bill (and, obviously, in the act) there is a need to specify or qualify the type or sort of technical and further education which is being provided. Left unamended, TAFE SA as a provider is free to determine the technical and further education it provides—something that is called, I understand, 'provider capture'. The Greens' amendment seeks to insert descriptors which ensure that the needs of industry, students and the general community are taken into account when providing efficient and effective technical and further education.

**The Hon. R.P. WORTLEY:** The government opposes this legislation. These are amendments to the functions of TAFE SA and add 'in a manner that is efficient, effective and responsive to the needs of industry, students and the general community'. This clause sets out the functions of TAFE SA in legislation for the first time. The primary function is to provide technical and further education. The ministerial charter allows the government to give clear directions as to how effective, efficient and responsive TAFE will need to be. This is a requirement of the Public Corporations Act 1993. So, because of this we do not believe the provisions in this amendment are necessary.

**The Hon. R.I. LUCAS:** The member for Unley, who has responsibility for the Liberal Party's handling of this bill, has advised me that the Liberal Party will be supporting this particular amendment. We see no concerns with ensuring that the reference to the functions of TAFE SA are provided in a manner which is 'efficient, effective and responsive to the needs of industry, students and the general community'. Nothing in the minister's response gives the Liberal Party any reason not to support the amendment. It seems eminently sensible in the view of the member for Unley. For these reasons, the Liberal Party will be supporting it.

**The Hon. K.L. VINCENT:** For the record, I will support the amendment.

**The Hon. D.G.E. HOOD:** Equally, I see nothing wrong with including the words 'efficient, effective and responsive to the needs of industry, students and the general community'. For that reason, Family First is inclined to support the amendment.

**The Hon. J.A. DARLEY:** I will be supporting the Greens' amendment.

**The Hon. A. BRESSINGTON:** I am supporting the Greens' amendment as well.

Amendment carried; clause as amended passed.

Clause 7.

**The Hon. T.A. FRANKS:** I have a couple of questions on this clause before moving my amendment. The board will determine some quite fundamental issues concerning the provision of technical and further education which directly affect students, community and staff. Does the minister believe it is essential for a voice for those whom the education and training is provided, and for those for whom the delivery is essential, in a decision-making body responsible for the provisions of an essential quality public service? Similar representation provisions are actually common in higher education institutions and in many public sector statutory authorities.

**The Hon. R.P. WORTLEY:** There will be a number of advisory bodies that sit under this board, and they will have student representation. Also, a number of councils will continue on, and they will have student representation, but there is no intention to have student representation on the board itself.

**The Hon. T.A. FRANKS:** My question went broader than that, but that is fine. I have one more question, which also relates to the next amendment. Does the minister believe the bill should ensure the chair is a person who is acknowledged as an outstanding educational leader?

**The Hon. R.P. WORTLEY:** The board as a collective will have various amounts of educational experience, probably quite a significant amount. We do not want to be constrained to having a chair who may have other abilities and expertise in areas that are required, not necessarily solely in education. The board itself will have a very wide cross section of experience and qualifications.

**The Hon. T.A. FRANKS:** I am led to think of a phrase of a friend of mine: my grandma makes great scones, but she shouldn't be running Balfour's. With regard to the composition of the board, I move:

Page 4, line 30 [clause 7(2)]—Delete 'not less than 6 and not more than 11' and substitute 'not less than 10 and not more than 13'

The Greens move this amendment because a composition of six to 11, with a quorum of 50 per cent plus one, can actually mean that decisions are made by as few as four people, or in fact only two in an even split situation, with the chair having the casting vote. This is incredibly high risk for such an important public institution serving public purposes. The Greens seek to increase the composition and number of the board and ensure that all decision-making meetings of the board must be quorate. This would mean that, if there were a minimum of 10 members, six would constitute a quorum rather than three, as is the case at present.

**The Hon. R.P. WORTLEY:** The government opposes this amendment, because we believe it puts too many constraints on the board. The number of board members—not less than six and not more than 11—provides maximum flexibility in the membership of the board over time, and will allow for the right mix of skills, experience and knowledge without limiting membership. A board that requires a large number of members, as suggested by the Hon. Ms Franks, creates the problem that the appointment may take some time, and without the minimum number of members the board is not functional.

It is important to strike the right balance of numbers and to enable the board to function effectively. Between six and 11 members provides the minister with discretion to make appropriate appointments. In other jurisdictions the minimum number of members of TAFE boards is comparable: for example, in Western Australia the numbers are between six and 10.

**The Hon. R.I. LUCAS:** The member for Unley has advised that the Liberal Party will not be supporting the amendment. The board could potentially be up to the size of 11 and it is certainly our view that it is the maximum size you would really need for a board to manage the sorts of operations that are going to be required of it. Having a board of the size of 13 is not something that is our preference. So, we will not be supporting the amendment and will support existing provisions in the legislation.

Amendment negatived.

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

Page 4, line 38 [clause 7(5)]—After 'members' insert:

, who, in the opinion of the Governor, has demonstrated leadership abilities of a high standard in the provision of technical and further education, '

I do so because the Greens believe that the person who is appointed by the board after approval by the minister should at least have the qualifications that are fitting of the head of the TAFE SA Board—that is, being an outstanding educational leader. It would be unthinkable in a private sector board not to have a chair or a CEO who is not acknowledged as having standing in that field. It would also be unthinkable in a university council or a public hospital not to have a chair or CEO without acknowledged excellent leadership in that required area—for example, medicine or higher education.

The public expects TAFE institutions to have no less respect for the position. As I said, grandma can make great scones, but it doesn't mean she should run Balfours. If you do not have expertise in the area that you are in fact the leader of, I would think that would not instil public confidence in the institution.

**The Hon. R.P. WORTLEY:** These amendments relate to requirement of board members and the chief executive of TAFE to have demonstrated leadership abilities of a high standard in the provision of technical and further education. The legislation is deliberately silent on this matter to provide maximum flexibility in the appointment of both the board members and the chief executive of TAFE.

The legislation allows for the board members to have a combined mix of skills, knowledge and experience rather than requiring each board member to have a specified ability in the provision of technical and further education. It is important that the board is made up of the right mix for the effective governance of TAFE SA. Board members bring different types of expertise which, when combined, allow for effective governance.

Appropriate expertise of the chief executive of TAFE SA will be decided by the board and the minister who will seek advice from relevant stakeholders. This allows for maximum flexibility to appoint the right person for the job. The chief executive will be supported by the management team who will be experienced in the provision of technical and further education.

**The Hon. R.I. LUCAS:** The member for Unley has advised that the Liberal Party will not be supporting this amendment either. In speaking to the amendment, I would argue the case differently. The one we are addressing at the moment is the position of the chair of the board under clause 7. As the minister has outlined, the board is going to be required (potentially with a membership of 11) to have a wide body of expertise and experience, and I think on the issue of who chairs TAFE SA there should be a considerable degree of flexibility. I think there is a logical and rational argument for that.

I do not share the Hon. Ms Franks' summary of the equivalent provisions, for example in higher education or universities, because I think the equivalent position in universities would be the chancellor of the universities. He or she chairs the respective governing council or university councils. I think one only has to look at the people who hold the position of chair or chancellor of the university councils to see that, in many cases, they have not tended to be people with considerable experience and expertise in academia or higher education.

In some cases they are, but I know that in relation to the University of Adelaide Justice Roma Mitchell was a chancellor, ex-senator Robert Hill is a current chancellor, I think Justice von Doussa might have been a previous chancellor, I think Robert Champion de Crespigny might have been a previous chancellor.

Those are four examples where people with considerable expertise in corporate governance generally, in terms of chairing a board or a council, came from either a traditional background, a business background or, indeed, a political background. I can think of any number of equivalent people who have held positions as chancellor of governing councils in other universities in other states and territories of Australia as well.

In relation to this particular amendment, which relates to the chair, I think the precedents in higher education would probably support the position the government is putting. It is probably less likely to be the case when we move to the next amendment, which talks about the chief executive, although I might say that the member for Unley has advised me that the Liberal Party will not be supporting that either.

I certainly think that, in relation to the chief executive position, when one looks at the equivalents in higher education, those who hold the position of chief executive, or generally what is known as vice chancellor, in many cases, if not most cases, would tend to be acknowledged as having come from an academic background or having had considerable experience and expertise in higher education training.

However, this particular amendment relates to the chair as opposed to the CEO and, as I said, the member for Unley has advised that the Liberal Party's position is that we will not be supporting this amendment.

Amendment negatived; clause passed.

Clauses 8 to 11 passed.

Clause 12.

**The Hon. T.A. FRANKS:** I will not seek to move the amendment standing in my name; I will just treat it as consequential. I think we have an indication that it will not receive the support of the chamber.

Clause passed.

Clause 13.

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

Page 7, lines 17 and 18 [clause 13(2)]—Delete:

, if the instrument of delegation so provides,' and substitute 'not'

The bill contains a delegation power which was not in the consultation draft. Although this power is necessary for administrative purposes, as currently expressed, the power is extremely wide and empowers the delegate to further delegate. Such a provision mitigates against both transparency and accountability; that is, there should be no power to sub-delegate the delegation power.

Clause 13(1) provides a broad power for the chief executive to delegate to any person all or any of their powers or functions. This in itself is quite extraordinary in its breadth; for example, 'person' is not defined and so could, in fact, extend to anybody, potentially a person external to the institution, such as a family member.

Be that as it may, clause 13(2) extends this power further by enabling the delegate to further delegate if the initial instrument of delegation specifies. This is highly unusual. The more usual formulation is to provide for a power of delegation by which all or any functions and powers may be delegated, except the power to delegate.

The usual formulation assists in protecting the public interest in that the delegate, and not the delegator-at-law, becomes the legal entity, and the legislature is more usually concerned to ensure that the public can easily identify and seek redress from public authorities, rather than having to trace through a long line of delegates. By creating a potentially endless line of delegates, transparency and accountability is diminished with its consequential high risk, something contrary to the public interest.

The worst case scenario could in fact be for the chief executive to delegate to an institute manager the power to employ as well as the power to further delegate this power. The institute manager then delegates to a labour hire agency the task of recruiting, employing or engaging hourly paid instructors or, perhaps even worse, the function of providing technical and further education is delegated to the chief executive, who in turn delegates it to a person who is the CE of a private RTO.

**The Hon. R.P. WORTLEY:** This amendment relates to a delegation by the chief executive of TAFE SA to other staff. The proposal is to prevent the further subdelegation of the power of the chief executive by removing the phrase 'if the instrument of delegation so provides'. This would limit autonomy and accountability through the organisation.

In a commercial environment, line managers need the delegation to manage operations at a local level without requiring further approval by the chief executive or delegate. Having approvals at high level restricts responsiveness and creates excessive layers of administration. In government departments at the moment, the CEOs have the ability to delegate down. CEOs of private enterprises delegate down to lower levels. We think it is quite appropriate on this occasion.

**The Hon. R.I. LUCAS:** If it is intended to be used as the minister has outlined, and that is that, in TAFE SA, the CEO would delegate down to a staff member and then further delegate to another staff member, why did the government not restrict the delegations to allow for that? The Hon. Ms Franks is raising the question that it is non-specific in relation to subclause (1); that is, it might not be a member of TAFE SA.

I know that, in another bill that we are in the process of discussing—the Work Health and Safety Bill—this issue of whether you delegate certain powers in that case to a non-SafeWork SA staff member has been raised by some stakeholders. It is an issue that is being raised in government legislation generally, not just in relation to this.

If it is the government's intention only to delegate to staff of TAFE SA, why would the government not be prepared to at least specify that in the amendment? That would not necessarily mean supporting the Hon. Ms Franks' amendment, but supporting an amendment that makes it clear that you are only delegating to staff members of TAFE SA. That would appear to be a reasonable proposition. It may well solve part of the concerns being raised by the Hon. Ms Franks without necessarily going as far as the Hon. Ms Franks' amendment goes.

**The Hon. R.P. WORTLEY:** The intention is just to delegate through the staff of TAFE SA. If you are saying there is an amendment that would indicate that, we are quite happy to entertain it.

**The Hon. R.I. LUCAS:** Perhaps I could suggest a process so that at least the government could consider it and the Hon. Ms Franks and others could consider it. If we were to report progress on motion today at this particular provision and move on to the other bill where we have

my amendments and those of the Hon. Mr Darley, my understanding is that parliamentary counsel would be able to very quickly draft an alternative amendment.

We do have an amendment drafted in my name in relation to the Work Health and Safety Bill which, in essence, requires that the delegation of any powers goes to staff members as opposed to people who are not members of staff. I would have thought that it is a relatively straightforward amendment. If that process was agreeable to the minister, at least we could have a look at something that parliamentary counsel might be able to draft, proceed with the other bill and then return to this clause in this bill afterwards.

If it is all too hard, then we will have to just vote on the Hon. Ms Franks' amendment. If, however, there is a simple solution that meets the minister's requirements and partially meets the requirements of the Hon. Ms Franks, it will be a win-win and we can still process it this afternoon.

**The Hon. R.P. WORTLEY:** The advice from parliamentary counsel is that we do not need to have any interpretation of this. The legal interpretation is that you cannot delegate to someone you cannot control, so their advice that we have just received is that there is no need to have an amendment to reflect that.

**The Hon. R.I. LUCAS:** Can the minister clarify then that his legal advice is that it will be impossible for TAFE SA to delegate to an RTO or to a non TAFE SA staff member, because it may well be possible in legal terms to write a contractual arrangement where TAFE SA indicates that it does control what a non TAFE SA staff member does by way of contractual or legal guidance or arrangement. This has, in essence, been the whole debate in relation to the Work Health and Safety Bill. If the minister is saying that there is no way in the world that it can be contracted out along those lines then I am prepared to accept that undertaking. But if it could be contracted out in that particular way then I think it is worthwhile looking at an amendment which clarifies it.

**The Hon. R.P. WORTLEY:** My advice is that there is no way you can delegate to any person or body that you do not have control over, even by contract or whatever.

**The Hon. R.I. LUCAS:** The advice from the member for Unley to me anyway was that the Liberal Party was not going to support the amendment as drafted by the Hon. Ms Franks. So, on the basis of the undertaking that the minister has given, based on legal advice from parliamentary counsel, the position the Liberal Party will be adopting is the one outlined by the member for Unley to me, and that is that we will not be supporting the amendment.

Amendment negated; clause passed.

Clauses 14 to 21 passed.

New clause 21A.

**The Hon. T.A. FRANKS:** We are having an amendment drafted in response to the minister's advice about quarterly reporting. We are seeking to ensure that that reporting provision is part of the legislation. It came up in the debate, so we have requested that the amendment be filed urgently.

**The Hon. R.P. WORTLEY:** During the debate it came up, but we made it quite clear then that they report once a year and they will have this data on public display every quarter. No other corporation is required to do this on a quarterly basis.

**The Hon. T.A. FRANKS:** It is my understanding that in Victoria they do.

**The CHAIR:** The Hon. Ms Franks can move it and, if the Hon. Mr Lucas has a look at it and he needs more time—

**The Hon. R.I. LUCAS:** I will move that progress be reported. I have not seen it.

**The CHAIR:** I must say it would be highly unusual; if this was the government trying to slip one through, it would be a bit different.

**The Hon. T.A. FRANKS:** I have been in this place for two years and I have seen the government slip quite a few amendments through at the last minute.

**The CHAIR:** Yes; and we know what happened when it did happen.

*An honourable member interjecting:*

**The CHAIR:** Yes; and you would not deal with it.

**The Hon. T.A. FRANKS:** Some of us have short memories; it does not take that long to remember similar occasions where the government has also—

**The CHAIR:** Are you moving it?

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

Page 11, after line 28—After clause 21 insert:

21A—Quarterly reporting on delivery of technical and further education

- (1) TAFE SA must, within 1 month after the end of each quarter, deliver to the Minister a report on the delivery of technical and further education by TAFE SA during that quarter.
- (2) Without limiting the matters that may be included in the report, the report must include—
  - (a) details of the courses delivered; and
  - (b) the number of students enrolled in each course; and
  - (c) details of funding received identifying the sources of the funding.
- (3) The Minister must, within 6 sitting days after receiving a report, cause copies to be laid before both Houses of Parliament.
- (4) In this section—

*quarter* means 1 January to 31 March, 1 April to 30 June, 1 July to 30 September, and 1 October to 31 December, in each year.

This amendment has been moved because the minister did not guarantee to ensure quarterly reports. I do note that, in Victoria, as a response to some of the errors of their ways there, I understand they are providing such quarterly reports. If we are to safeguard our system from going the way of Skills for All in Victoria, that is what I think the government should, at the very least, be committing to do.

Progress reported; committee to sit again.

#### **STATUTES AMENDMENT AND REPEAL (TAFE SA CONSEQUENTIAL PROVISIONS) BILL**

Adjourned debate on second reading.

(Continued from 17 May 2012.)

**The Hon. R.P. WORTLEY (Minister for Industrial Relations, Minister for State/Local Government Relations) (17:09):** I thank all members for their support for the second reading.

Bill read a second time.

In committee.

Clauses 1 to 7 passed.

Clause 8.

**The Hon. R.I. LUCAS:** I move:

Page 5, lines 3 and 4 [clause 8(1)]—Delete subclause (1)

My advice from the member for Unley is that the package of amendments I have are consequential on one particular issue. I suggest that the first amendment be taken as a test vote, I suppose, of the particular issue and the rest can then be deemed to be consequential on the result of the first vote on the first amendment.

This is a relatively simple and straightforward amendment. Essentially, the argument is predicated on the basis of the position that perhaps the trade unions had in the past, in terms of our industrial climate, where they dominated representation of workers. When one goes back a number of decades perhaps that was more likely to be the case. However, I quote the recent Australian Bureau of Statistics figures which indicate that the extent of overall membership of unions in the workforce is now 18 per cent. In the private sector it is 13 per cent and in the public sector it is somewhere in the 20 per cent range, giving the average or overall figure of 18 per cent.

Overall, 82 per cent of workers in the workplace are not members of unions; they are not represented by the unions. Nevertheless, they have their views and are entitled to have their views, and may well, on occasion, agree with the views expressed by unions and union representatives but on other occasions they might not.



The amendments that the member for Unley has drafted on behalf of the Liberal Party, and supported by the Liberal Party, are essentially based on that—that is that the legislation should not, in essence, give dominance to the Australian Education Union in relation to issues as it relates to workers in this particular sector, when the overwhelming majority of workers might not be represented by unions.

The reality, in the end, is that even if the numbers were a different way around (let me put it that way) all workers should be entitled to have a say and to be represented, whether or not they are members of a union. Whether union membership dominates or union membership does not dominate, all workers should be entitled to have a say in relation to what goes on in their workplace. That is essentially the principle behind the series of five or six amendments here.

The only other point I would make—and the member for Unley has advised me of this—is that I have noted some comments from the AEU representative in the last 48 hours or so calling on Independent and Liberal Party members of the Legislative Council to, I think, vote against the legislation. I do not think it is actually limited to specific provisions. The member for Unley has advised me that, months ago, when seeking views of stakeholders on this legislation before the Liberal Party formed its view as to whether or not it should support the legislation in its entirety, he sought consultation and submission from the Australian Education Union.

The member for Unley has advised me that the AEU did not respond at all in terms of the request from the shadow minister, the member for Unley, in relation to the legislation. I was bemused to see Mr David Smith publicly calling for the Liberal Party and Independent members to vote the legislation down if, as the member for Unley has advised, he and the Australian Education Union had the opportunity some time ago to both make submissions and seek consultation with the shadow minister representing the Liberal Party on the issue and he and the Australian Education Union, I am advised, did not take up that opportunity.

Might I say, without mentioning any other unions, that, in a number of other recent cases on legislation which have impacted on unions other than the AEU, their representatives have been assiduous in putting their point of view to Independents, minor party members and Liberal Party members on particular pieces of legislation, through their representatives, as well as adopting a public position on it.

Mr Smith and the Australian Education Union can answer for themselves, but I can only put on the record what the member for Unley has advised me in relation to their involvement and their willingness to engage in this particular debate with members of the non-governing parties in the Legislative Council who, ultimately, did have the power one way or another to either amend or defeat the legislation.

As I said, this is a package of amendments. I do not propose to speak at length on the argument; it is relatively straightforward in terms of whether or not you agree with the central principle behind the first amendment and the remaining amendments, and I will treat the remaining amendments as consequential on the first vote.

**The Hon. R.P. WORTLEY:** The amendments proposed by the Hon. Mr Lucas are to delete any references to the Australian Education Union, formerly known as the Institute of Teachers under the Education Act 1972; they are, in fact, amendments to the Education Act 1972. The Statutes Amendment and Repeal (TAFE SA Consequential Provisions) Bill proposes to update terminology in the Education Act 1972 only, and to make it clear that the chief executive of TAFE SA replaces the chief executive of the department.

No substantive changes to the provisions outlined in the Education Act 1972 are proposed through this legislation. The Education Act 1972 outlines that the Teachers Appeal Board will consist of three members, appointed by the Governor, to hear appeals from TAFE SA officers. The employer and the court will each nominate a member, and the appellant can choose a member from a group of officers nominated by the AEU through its membership.

Mr Lucas proposes that the appellant chooses from a group of officers identified through an election process without nomination by the AEU. He also proposes that the employer choose a member from this same group. This would mean that both the appellant and the employer choose a member from a group elected by TAFE SA officers. This amendment, if supported, would apply to all officers under the Education Act 1972, including teachers and schools who have the same process under the Teachers Appeal Board.

In addition, Mr Lucas proposes that the AEU nomination to the classification review panel (which is applicable only to schoolteachers who are officers appointed under the Education Act 1972) is deleted and that a nominee is identified through an election process. Likewise, Mr Lucas proposes that the AEU's involvement in the selection of a committee to hear appeals for promotional positions is deleted. This is applicable only to schoolteachers who are officers appointed under the Education Act 1972, with the minister solely deciding the members of the committee to represent the interests of officers.

These amendments propose substantive changes to the Education Act 1972 and are not related to the establishment of TAFE SA as a statutory corporation. The principle underlying this bill is to make as few changes as possible to the current arrangements that exist in TAFE. One of the arrangements that currently exist for TAFE SA staff is access to the Teachers Appeal Board. The constitution of that board and other arrangements are set out in the Education Act 1972.

The government is not seeking to change these arrangements because they are currently in place and changing them is not essential to making TAFE a statutory corporation. These bills only make the necessary changes to the governance arrangements for TAFE SA to establish it as a statutory corporation.

**The Hon. D.G.E. HOOD:** My understanding of this series of amendments that the Liberal Party has presented essentially will allow membership to be represented by people who are not members of the union as well. Frankly, I see no reason at all to limit it just to members of the union. That is not a blight on the AEU at all, but I see no reason to limit it to those members. That is the first issue. The second issue is what I think is the government's position on this issue, and that is that there is no intention to open up the Education Act itself: this is dealing strictly with changing the status of TAFE. We have seen in this house many times amendments that have done exactly that to other bills, I think to the betterment in many cases. For that reason Family First will support the amendment.

**The Hon. J.A. DARLEY:** I will support the opposition's amendment.

**The Hon. T.A. FRANKS:** The Greens will not support this Liberal amendment. We believe that with the casualisation of the workforce in particular, which I imagine will continue to be a focus and feature of this sector, it is more important than ever to have corporate memory, research, strength in numbers and be able to have a representational democracy that is in fact based on those strengths. We do know that the workers in these particular situations are often behind the eight ball when it comes to decision making and industrial democracy, and unions ensure that those things are there to support those particular representatives.

I understand that there are ideological problems with unions from some members, and everyone picks their team and, whether it is the red team or the blue team, they go in to bat for them. I certainly will not say that there are no problems at all with the union movement, but certainly if we did not have it we would have to reinvent it.

**The Hon. A. BRESSINGTON:** I will support the Liberal amendment, and I would just like to make it clear that it is not from any sort of ideological position about unions that I support this amendment but it is about fair and equitable access for all teachers, all representatives to be able to be nominated and represented in the decision-making process. That is part and parcel of our democratic process.

**The Hon. R.P. WORTLEY:** The consequences of these amendments go far beyond what we are talking about with the TAFE SA Bill: it actually goes right into every school in this state. The teachers in the hundreds of schools out there in the community use these appeal boards quite regularly, and it is quite a successful process. As far as I am aware we have not had any complaints regarding the process. This has turned from something that was consequential to the TAFE bill to something that goes much broader. It is a shame that this chamber is not considering all these consequences.

The Australian Education Union has over 20,000 members. It has by far the majority of teachers as members. These teachers join it because they want the AEU to represent them on these various bodies. Why there is this sudden move to get rid of the AEU out of this process is beyond me. The consequences of what we are doing here at the moment will be felt far and wide, and I think there will be a lot of phone calls by them to these members.

**The Hon. R.I. LUCAS:** Just concluding my contribution to the debate, I think that in the situation the minister has outlined, it is highly likely in the end given the organisational capacity and

the financial grunt of the AEU that the people it supports are still likely to be elected to these positions. If the membership is as the member has indicated and they continue to have that membership, that is probably going to be the case.

The reality is that this amendment is giving the opportunity to anybody—union member or not—to contest the position. They should not be excluded, just because they have chosen for whatever reason not to be a member of the union, from being able to represent their teachers in these issues. Ultimately the minister may well be right: the AEU, because of its size and financial grunt, may well see its members elected anyway, and in practical terms there might not be much difference. However, this is an important principle, and I thank the members who have indicated their willingness to support it.

The committee divided on the amendment:

AYES (10)

Bressington, A.  
Hood, D.G.E.  
Lucas, R.I. (teller)  
Wade, S.G.

Darley, J.A.  
Lee, J.S.  
Stephens, T.J.

Dawkins, J.S.L.  
Lensink, J.M.A.  
Vincent, K.L.

NOES (7)

Finnigan, B.V.  
Gazzola, J.M.  
Zollo, C.

Franks, T.A.  
Parnell, M.

Gago, G.E.  
Wortley, R.P. (teller)

PAIRS (4)

Ridgway, D.W.  
Brokenshire, R.L.

Hunter, I.K.  
Kandelaars, G.A.

Majority of 3 for the ayes.

Amendment thus carried; clause as amended passed.

New clause 8A.

**The Hon. J.A. DARLEY:** I move:

Page 5, after line 5—After clause 8 insert:

8A—Amendment of section 14C—Review committee

Section 14C(1)(d)—delete 'Australian Education Union (S.A. Branch)' and substitute:  
officers of the teaching service in accordance with the regulations

Briefly, the amendment relates to Part 2A of the Education Act, which deals with the process involved in the closure or amalgamation of government schools. Before a school can be closed or amalgamated, the act requires that a review be conducted in relation to the school or schools in question. That review will consider whether the school in question continues to be required and, if not, whether the school should be closed or amalgamated with another school.

The review itself is to be conducted by a committee appointed by the minister. The committee is to consist of at least two people nominated by the minister, the mayor or chairman of the relevant council or, in any other case, a person nominated by the minister for local government, the director-general, a person not being a teacher at a school that is subject to the review as nominated by the AEU, and a nominee from the school council of each of the schools subject to the review.

The amendment proposes to replace the requirement for a person nominated by the AEU with an officer of the teaching service in accordance with the regulations. The reasons for this amendment are the same as those outlined by the member for Unley (David Pisoni) in another place and by the Hon. Rob Lucas; that is, it seeks to open up the process of employee

representation by replacing the exclusive right that has been given to the Australian Education Union with one that applies to all teaching staff.

Whilst I appreciate that the Minister for Employment, Higher Education and Skills only intended for this bill to make minimal changes in relation to TAFE, I think that, for the sake of consistency, this amendment is necessary.

Additionally and perhaps more importantly, I, like the member for Unley and the Hon. Rob Lucas, see absolutely no reason for limiting the role of employee representation to individuals nominated by the AEU, particularly when that individual need not even be a teacher. This is also the view of the South Australian State Schools Leaders Association, whose president, Mr Jeff Waite, has indicated his support for the Hon. Rob Lucas' amendments as well as my amendment. In a letter sent to me on 7 June 2012, Mr Jeff Waite, on behalf of the association, states as follows:

At the present time the act provides for representatives to be nominated by the Australian Education Union. We believe that specifying membership in this way is outdated, not supportive of equal opportunity and is not a reflection of the composition of current school committees.

I suggest that all honourable members who agree with this view support this amendment.

**The Hon. R.I. LUCAS:** For the reasons outlined by the Hon. Mr Darley, the Liberal Party will be supporting the amendment. I think in large part it is consequential on the vote that we have just taken. It is exactly the same principle but it is just being applied to a specific issue, an important one in relation to the closure of schools. It is the same principle and, for those reasons, consequent on the last vote, we will be supporting this particular amendment.

**The Hon. R.P. WORTLEY:** The amendment proposed is to delete reference to the AEU in section 14C of the Education Act 1974, which deals with the appointment of members to a review committee that reviews the closure or amalgamation of schools.

Instead of the existing section which provides for the AEU to nominate a member to sit on the committee, Mr Darley is proposing that school teachers nominate this member in accordance with the regulations. This amendment proposes substantive change to the Education Act and is not related to the establishment of TAFE SA as a statutory corporation. I must say I find it quite bizarre that opening up an act to make a number of consequential changes to a TAFE SA Bill has suddenly turned into deleting any reference at all to the Australian Education Union under the Education Act. It really is bizarre. A union of 25,000 people, which covers the vast majority of members of—

*Members interjecting:*

**The Hon. R.P. WORTLEY:** This shows the arrogance of the opposition. It is just an exercise in union bashing. There is no other way you could put any interpretation on this. It is a classic example of union bashing. I think it is a dangerous precedent.

The Education Union, which probably covers the vast majority of teachers, would expect, as a right, to be able to be put on these various boards. Australian society has a great tolerance and acceptance of unions in this country and what we have here, given half the opportunity, shows that what the opposition and, unfortunately, the majority of Independents would do is wipe them off the map—wipe them right off the map. So, I think it is a sad day and we would strongly oppose this amendment.

**The Hon. T.A. FRANKS:** The Greens will be opposing this amendment, for the reasons outlined previously. I think it is indicative that these are the same principles. We support a strong union movement. We acknowledge that, in fact, an individual worker does not have the same capacity to represent as a union does; that is the strength of the union.

**The Hon. D.G.E. HOOD:** Family First supports the amendment. The amendment makes no mention of excluding the unions: it merely opens up membership to people who may or may not be members of the union. In fact, what the amendment does is make a broader catchment rather than a narrower catchment. So, it is not a matter of excluding the unions. People who are members of the unions are still eligible to make application to be part of it, so we see no reason why we should not support the amendment.

**The Hon. A. BRESSINGTON:** I will also be supporting the amendment.

**The Hon. K.L. VINCENT:** It is certainly not often that Mr Hood and I agree quite as thoroughly as on this occasion but, for the reasons that he has very, very well outlined, I am happy to support this amendment.

The committee divided on the new clause:

AYES (10)

Bressington, A.  
Hood, D.G.E.  
Lucas, R.I.  
Wade, S.G.

Darley, J.A. (teller)  
Lee, J.S.  
Stephens, T.J.

Dawkins, J.S.L.  
Lensink, J.M.A.  
Vincent, K.L.

NOES (7)

Finnigan, B.V.  
Gazzola, J.M.  
Zollo, C.

Franks, T.A.  
Parnell, M.

Gago, G.E.  
Wortley, R.P. (teller)

PAIRS (4)

Ridgway, D.W.  
Brokenshire, R.L.

Hunter, I.K.  
Kandelaars, G.A.

Majority of 3 for the ayes.

New clause thus inserted.

Clause 9.

**The Hon. R.I. LUCAS:** I move:

Page 5, lines 7 to 11 [clause 9(1) and (2)]—Delete subclauses (1) and (2) and substitute:

- (1) Section 29(2)(b) and (c)—delete paragraphs (b) and (c) and substitute:
  - (b) 2 will be officers of the teaching service selected by the Minister from a panel of officers elected by officers of the teaching service in accordance with the regulations.
- (2) Section 29(3) and (4)—delete subsections (3) and (4)

This amendment is consequential on the first vote that we had.

Amendment carried; clause as amended passed.

Clause 10.

**The Hon. R.I. LUCAS:** I move:

Page 5—

Lines 13 and 14 [clause 10(1)]—Delete subclause (1) and substitute:

- (1) Section 45(2)(c)—delete 'appointed by the Governor on the nomination of the Institute of Teachers made after elections have been held in accordance with the regulations' and substitute:
 

elected by officers of the teaching service in accordance with the regulations and appointed by the Governor

Lines 16 to 20 [clause 10(2), inserted paragraphs (d) and (e)]—Delete paragraphs (d) and (e) and substitute:

- (d) the members of a panel of prescribed employees elected by prescribed employees in accordance with the regulations and appointed by the Governor.

After line 25—After subclause (4) insert:

- (4a) Section 45(4)(c)—delete '(2)(e)' and substitute '(2)(d)'

These amendments are all consequential on the first vote.

Amendments carried; clause as amended passed.

Clause 11.

**The Hon. R.I. LUCAS:** I move:

Page 5, lines 31 to 33—Delete all words on these lines and substitute:

Section 53(3)(b)—delete 'and consisting of members appointed by the Minister with the agreement of the Institute of Teachers (one or more of whom must be nominees of the Institute)' and substitute:

to represent the interests of officers of the teaching service

This amendment is consequential on the first vote.

Amendment carried; clause as amended passed.

Remaining clauses (12 to 17), schedules and title passed.

Bill reported with amendment.

**The Hon. R.P. WORTLEY (Minister for Industrial Relations, Minister for State/Local Government Relations) (17:43):** I move:

That this bill be now read a third time.

Bill read a third time and passed.

#### **TAFE SA BILL**

In committee (resumed on motion).

New clause 21A.

**The Hon. R.I. LUCAS:** In the brief time available, the member for Unley, who has shadow ministerial responsibilities for the Liberal Party on the issue, has considered the amendment, and his advice to me is that we will not be supporting the amendment.

**The Hon. R.P. WORTLEY:** The government will not be supporting the amendment, for two reasons. First of all, we are in a contestable market at the moment, and the private training providers do not have such requirements to report to the minister and to the parliament. Also, in the Victorian TAFE charter, they must report quarterly to the minister, but there is no requirement to table that in the parliament. Taking that into consideration, we oppose the amendment.

New clause negated.

Clause 22, schedule and title passed.

Bill reported with amendment.

**The Hon. R.P. WORTLEY (Minister for Industrial Relations, Minister for State/Local Government Relations) (17:47):** I move:

That this bill be now read a third time.

Bill read a third time and passed.

#### **INDEPENDENT COMMISSIONER AGAINST CORRUPTION BILL**

Adjourned debate on second reading.

(Continued from 12 June 2012.)

**The Hon. K.L. VINCENT (17:48):** I indicate my support for the Independent Commissioner Against Corruption Bill. Corruption is a massive issue that impacts the life and livelihood of people the world over. While many would more immediately associate the problem with authoritarian regimes and developing countries, corruption is a weed that flourishes anywhere it finds the opportunity. Power and influence is its sunlight, lack of transparency the water that gives it life and, like a weed, it can spread quickly and suffocate everything around it.

*The Hon. T.A. Franks interjecting:*

**The Hon. K.L. VINCENT:** I thought that was a brilliant metaphor, thank you very much.

*The Hon. T.A. Franks interjecting:*

**The Hon. K.L. VINCENT:** Yes, I had to practise saying it without laughing, but I still love it. I would like to say for the record that I think my staff did a brilliant job.

**The Hon. T.A. Franks:** I was complimenting the language; I wasn't being facetious.

**The Hon. K.L. VINCENT:** I know.

**The Hon. S.G. Wade:** Just jealous.

**The Hon. K.L. VINCENT:** Just jealous. I am obviously not naming the staff member who wrote that speech because I am scared the Hon. Ms Franks will try to steal him from me. Anyhow, Australia fares quite well on the World Bank's Perception of Corruption Index, finishing eighth in the last set of figures published, though our respectable 8.8 puts us at some distance behind our close neighbours New Zealand, which came first with a rather impressive 9.5.

We are, however, deluding ourselves if we choose to believe that corruption is not a serious issue here in South Australia. There have been many scandals in recent times that I shall not rake over again at this point in time. I think we have already had other members allude to them quite sufficiently. Many more preceded them under governments of either persuasion and in non-government organisations and corporations both large and small, anywhere where power and influence is wielded without sufficient transparency or accountability.

Every cent that is lost to bribery, nepotism, embezzlement, unbalanced contracts or flawed tenders is money that is not then available for essential services. In addition to this, the damage done to governments, businesses, families, individuals and the public's confidence in more important institutions is grave and lasting. I feel that it is vital that serious steps be taken to combat corruption and to ensure that those who would engage in corruption will be discovered, exposed and brought to justice. It is for these reasons that I am glad to see that a government has finally shown the will to take action on corruption and, as such, I support very strongly the passage of this bill.

Debate adjourned on motion of Hon. T.J. Stephens.

At 17:52 the council adjourned until Wednesday 27 June 2012 at 14:15.