LEGISLATIVE COUNCIL

Wednesday 27 June 2012

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

LIVESTOCK (MISCELLANEOUS) AMENDMENT BILL

His Excellency the Governor assented to the bill.

MENTAL HEALTH (INPATIENT) AMENDMENT BILL

His Excellency the Governor assented to the bill.

ANSWERS TO QUESTIONS

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

DEPARTMENTAL EXPENDITURE

44 The Hon. R.I. LUCAS (29 June 2010) (First Session). What was the actual level for 2009-10 of both capital and recurrent expenditure underspending (or overspending) for all Departments and agencies (which were not classified in the general Government sector) then reporting to the Minister for Employment, Training and Further Education?

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for Tourism, Minister for the Status of Women): The Minister for Employment, Higher Education and Skills and Minister for Science and Information Economy has provided the following information:

There were no non-general Government sector Departments or agencies reporting to the then Minister for Employment, Training and Further Education and Minister for Science and Information Economy.

GOVERNMENT CAPITAL PAYMENTS

92 The Hon. R.I. LUCAS (30 June 2010) (First Session). What was the actual level of capital payments made in the month of June 2010 for each Department or agency then reporting to the Premier—

1. That is within the general Government sector; and

2. That is not within the general Government sector?

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

The department reported capital payments of $2.858 million in the month of June 2010.

LEGISLATIVE REVIEW COMMITTEE

The Hon. G.A. KANDELAARS (14:21): I bring up the 11th report of the committee.

Report received.

ENVIRONMENT, RESOURCES AND DEVELOPMENT COMMITTEE

The Hon. CARMEL ZOLLO (14:21): I lay upon the table the report of the Environment, Resources and Development Committee on population strategy.

Report received.

The Hon. CARMEL ZOLLO: I lay upon the table the report of the Environment, Resources and Development Committee on biosecurity fee.

Report received.

PAPERS

The following papers were laid on the table:

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

Regulations under the following Acts—
Emergency Services Funding Act 1998—Remissions Land
Liquor Licensing Act 1997—Fees Increases
Fees and Default Penalties
Fees and Default Penalties—Correction
Serious and Organised Crime (Control) Act 2008—Prescribed Offences
Workers Rehabilitation and Compensation Act 1986—Volunteers

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

Regulations under the following Act—
Controlled Substances Act 1984—Pesticides Licence Fee

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

Regulations under the following Act—
Local Government Act 1999—Local Government Sector Employees—Adelaide Central Market Authority

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

Regulations under the following Act—
Environment Protection Act 1993—Waste Depot Levy

COMMISSIONER OF POLICE

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 table a copy of a ministerial statement relating to the Commissioner of Police made yesterday in another place by my colleague the Premier.

QUESTION TIME

SOUTH AUSTRALIAN TRAVEL CENTRE

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:24): I seek leave to make a brief explanation before asking the Minister for Tourism a question regarding a nightmare in her portfolio.

Leave granted.

The Hon. D.W. RIDGWAY: Tourism is a $5 billion a year industry in South Australia. In response, the minister moves our showcase South Australian Travel Centre from high profile King William Street into a grotto in Grenfell Street. Now she is moving it again, even further from the heart of our city. Visitors will not find the visitor centre. Because of this minister there is no information about where to get visitor information. The opposition has information that the minister plans to move the centre, not just once, not just twice, but a third time. My question is: how long will the travel centre be hidden away in North Terrace and when will you announce the location of its final resting place?

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for Tourism, Minister for the Status of Women) (14:25): It was with a great deal of pleasure that I announced today the location of our visitor information centre at North Terrace, co-located with Service SA. The centre will be open for business as of Sunday 1 July. It will offer a seven day a week service, with free internet and wi-fi facilities. It is an ideal location, after the lease arrangements with our previous lessee were changed.

At that time, we announced that we would conduct a review of the service model for a visitor centre, given the changing demands of our general public. That review was completed, a number of different models were looked at and the South Australian Tourism Commission decided that this option on North Terrace was the best option available. It is indeed an ideal location. It is co-located but it will be a separate service arrangement from that of Service SA. We will be profiling our tourism products to around about 600 people per day who come through the doors of Service SA.

The service is located on a major hotel strip. I think there are about nine hotels within a kilometre radius of the place. The Adelaide Convention Centre is just across the road. Figures from last year show that something like 18,000 visitors to South Australia were delegates who used the convention centre. The Casino is also across the road. The location is well serviced by public transport, with the tram out the front and the railway station across the road. It is ideally strategically located given that it is going to be part of a precinct that has been earmarked for a major redevelopment, with the Riverside redevelopment project in place and the Adelaide Oval.

It will be a major tourism hub, and our visitor centre service will be located right in the centre of it. So, we are very pleased with this outcome. As usual, the opposition comes into this place ill-informed and with incorrect information. The Hon. David Ridgeway has come into this place, yet again, with incorrect information. He misleads this place time and time again. This is not an interim arrangement. There are no plans to relocate the service from the Service SA co-location. So, yet again, the opposition has come into this place and misled the chamber with incorrect and inaccurate information.

In relation to signage, as I said, the place will not be opened until Sunday. We are completing the fit-out and signage within the near future. So, it will be well signed. It is a delightful space. If honourable members care to go in there, it is bright and light, there is plenty of room for a large service counter and for staff to offer a counter service to visitors.

SOUTH AUSTRALIAN TRAVEL CENTRE

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:30): I seek leave to make a brief explanation before asking yet another question of the Minister for Tourism regarding the continuing nightmare in her portfolio.

Leave granted.

The Hon. D.W. RIDGWAY: The South Australian Travel Centre is the Tourism Commission's crown jewel. It is where visitors drop in, pick up brochures, make bookings, find out where to go and what to see. It handles hundreds and thousands of inquiries a year. But the minister has turned a silk purse into a sow's ear. The Travel Centre is in chaos.

The travel information officers have been told with less than a week's notice that their contracts will not be renewed. In three days they will be unemployed; they will be jobless. Those who did manage to hang on to their jobs did so after a 30-minute interview for which they had only three hours' notice. Other travel officers who had the interview the next day overheard the questions and had all the answers ready, and they passed the exams. The opposition has also been informed that this new office will offer no booking services at the site. My questions are:

1. How many staff will now work at the new Travel Centre?

2. How many have had their employment terminated?

3. Why are you increasing the number of managers and the size of your bureaucracy while removing and sacking front line staff?

4. Does this now mean the Travel Centre will be like a shop facade—a fully dressed window but inside no sales, nothing to sell and no booking service?

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for Tourism, Minister for the Status of Women) (14:32): I thank the member for his question. Again, we find that the opposition come into this place time and time again, and all they can do is bag this state, bag our tourism industry. They are a disgrace. The visitor centre service that will operate will provide online internet services. There will be staff there to assist people with their online booking, if they require it. It is absolute nonsense. They will be there; they will be able to assist people in their booking.

The tourism services have changed considerably over the years because public demand has changed considerably. I know that the Hon. David Ridgway has a lot of trouble keeping up with technology, but in fact there are fewer people who want a person-to-person counter service. More people have shifted to online services; in fact, most people now go to the visitor service centre to obtain information and then they take that information away and they like to make their own bookings, so the demand on our booking service has diminished considerably over the years. We have changed the service to meet growing demand, and that is about being online. There will be staff there. Currently, there are five FTEs employed under the previous arrangements, and the new arrangements will mean that there are 4.8 FTEs providing visitor information services.

SOUTH AUSTRALIAN TRAVEL CENTRE

The Hon. K.L. VINCENT (14:34): I have a supplementary question. Can the minister confirm what measures are in place for disability access in the new centre, given that the last one was a complete disaster?

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) (14:34): I can advise all honourable members that the service centre arrangements are fully disabled fitted, so they are designed to facilitate those people with a disability. The service is also within the hearing loop, so we have tried to accommodate a range of disabilities.

TOURISM COMMISSION

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:34): I seek leave to make a brief explanation before asking the minister a question regarding the Tourism Commission's Get Lost campaign.

Leave granted.

The Hon. D.W. RIDGWAY: I am delighted that the minister, in her answer to the previous question, spoke about me not being up with technology. As members would be aware, the Tourism Commission has a GPS guide to the Fleurieu as an app for your iPhone or your iPad. The app comes with the alluring and sophisticated voice of someone who says she is called Annabel, who says she knows South Australia as only a local can.

If you click on the Fleurieu map and go to The Marina Hindmarsh Island, the GPS map will take you there. Then, according to the app, you can stay at the marina hotel, enjoy Calypso Star shark cage diving, Adventure Bay Charters and swim with the tuna. The trouble with the app is, of course, you are now in Port Lincoln on Eyre Peninsula, not the Fleurieu Peninsula. My questions to the minister are:

1. Have you ever used this app?

2. When are you planning to catch all the schools of white pointers and move them from Port Lincoln to Lake Alexandrina?

3. Have you told the people of Goolwa they may soon be swimming with tuna?

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) (14:36): I can absolutely assure honourable members that all our apps are being updated. The honourable member can rest assured that all apps are being updated.

NIPPY'S

The Hon. CARMEL ZOLLO (14:36): I seek leave to make a brief explanation before asking the Minister for Regional Development a question about development in the Riverland.

Leave granted.

The Hon. CARMEL ZOLLO: The minister has spoken in this place previously about the importance of the Riverland and the aim of the Riverland Sustainable Futures Fund to ensure that there is sustainable economic development in one of our most important food bowls. My question to the minister is: can she update the chamber about the progress of the project occurring in Waikerie and Moorook?

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) (14:37): I thank the honourable member for her most important question. Members may recall that over six months ago $2.61 million was committed to Nippy's to make major upgrades to its facilities. As part of a major rejig, the company planned to increase its processing capacity at Moorook by installing a new filling line for contract milk packing as well as new mixing and blending tanks, a new dispatch warehouse and upgrades to water and electricity infrastructure. In addition, the company's project includes work at Waikerie to install a new auto packing machine and feed line and to upgrade both worker accommodation and its factory shop.

I am very pleased to be able to tell the chamber that the company's progress has been good and shows that several of the milestones of the project have, in fact, been achieved. So far, I understand the company's work at Moorook has included commencing power supply, wastewater

system upgrades and the complete installation of new mixing tanks. To complement these changes, the new storage facility has also been finished, and I am advised that the additional packing line has also been completed in time for use in the current citrus season.

The grant was awarded to help the iconic Nippy's business increase its packing capacity and employ more people in the Riverland, as well as expanding its milk processing operations. The grant has already had a very positive impact in the region by helping a very important local business to grow and strengthen its capacity. Supporting a company such as Nippy's, which has a very good track record in the food and beverage industry, is a tangible step in our commitment to building sustainable and innovative food industries. The $1.7 million injected into the region so far has seen significant changes at the two sites. I am advised that about 16 FTE new jobs have resulted from this work, and that is obviously good for the region.

One of the benefits of the new mixing tanks is that Nippy's can do more contract packing and work for other firms. I am advised that the company is also well advanced in production trials for a new customer, which is expected to have a very positive impact on Nippy's throughput and to bring estimated extra earnings of around $2 million a year, which is again a good outcome for the region.

I congratulate Nippy's on its very careful planning and strategic thinking. The project obviously has been well considered and is showing direct benefits. Nippy's is an iconic South Australian business producing a premium product of which South Australia can be proud. The Riverland creates premium produce and the upgrades help meet growing demand for high-quality, healthy, local products. This kind of manufacturing is a key player in the Riverland and it makes a significant contribution to the area.

In addition to its export work, Nippy's has been able to provide work for other local businesses, with 16 different Riverland based businesses directly involved in the expansion project. Once the project is complete, the investment will help provide longer-term work and obviously job security as Nippy's looks to source increased supplies of goods and services.

It is a great story for the Riverland and for the state and I would like to take this opportunity to congratulate the company for meeting these milestones by investing in the region and in Nippy's demonstrating its confidence in the Riverland and helping to promote it. Obviously we are very pleased to see that the state government fund, which this government put in place—the $20 million—is working successfully to expand businesses and create jobs.

LIQUOR LICENSING

The Hon. A. BRESSINGTON (14:41): I seek leave to make a brief explanation before asking the minister, representing the Attorney-General, questions about the Office of the Liquor and Gambling Commissioner's regulation of licensed venues for noise restrictions.

Leave granted.

The Hon. A. BRESSINGTON: Recently a constituent contacted my office to complain about the noise emanating from a nearby licensed venue, particularly from an upstairs balcony when the door was left open. Knowing that such complaints are the responsibility of the Office of the Liquor and Gambling Commissioner (now Consumer and Business Services), my office contacted reception to inquire after the appropriate process for making such a complaint. We were informed that an email to the office would suffice to have the licensed venue added to the task force list for random inspection. However, in reply to this email, my office was informed that:

> ...this agency, does not have the ability, equipment or expertise to measure noise and therefore a conciliation of the complaint is the only process available to [your constituent].

Despite Consumer and Business Services having responsibility for such complaints and many licensed venues having a noise restriction of eight decibels above ambient noise, the licensing authority does not have the equipment, let alone the expertise required, to monitor or enforce the licence conditions that it imposes. Unless constituents are willing to pay the significant fees involved in hiring a suitably qualified expert, their only option is to engage in conciliation with the licensed venue. Being in a weakened position, given they cannot demonstrate the noise emanating from the premises, this is very unreasonable.

In pursuing this further, my office contacted the Environment Protection Authority who reportedly had previously assisted the Office of the Liquor and Gambling Commissioner with measuring noise levels in licensed venues. We soon learnt, however, that this had been an

informal arrangement and had ceased when the particular employee with the relevant expertise had moved on. The Environment Protection Authority indicated that it would be willing to recommence this practice if it was approached by the commissioner. My questions to the minister representing the Attorney-General are:

1. Was the Attorney-General aware that Consumer and Business Services does not have the ability, equipment or expertise to measure noise?

2. Does the Attorney-General agree that the ability to test licensed venues' noise levels is fundamental to the responsibility of Consumer and Business Services?

3. Is this service yet another casualty of this Labor's government budgetary ineptitude?

4. Will the Attorney-General approach the Minister for Sustainability, Environment and Conservation and attempt to re-establish the assistance previously provided by the EPA so that future complaints can be appropriately investigated?

5. Will the Attorney-General ensure that the public servant who brought this matter to my attention does not experience any reprisals for doing so?

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) (14:45): I thank the honourable member for her questions and will refer those to the Attorney-General from another place and bring back a response.

WORK HEALTH AND SAFETY INNOVATIVE PRACTICE GRANTS

The Hon. G.A. KANDELAARS (14:45): My question is to the Minister for Industrial Relations. Can the minister advise the house about the recent recipient of the Work Health and Safety Innovative Practice Grant?

The Hon. R.P. WORTLEY (Minister for Industrial Relations, Minister for State/Local Government Relations) (14:45): I thank the honourable member for his question and acknowledge the many years that the Hon. Mr Kandelaars spent representing the health and safety interests of his members. The SafeWork SA Advisory Committee, through its research committee, is responsible for the Work Health and Safety Innovative Practice Grants program. The Work Health and Safety Innovative Practice Grants program funds projects that develop and promote innovative safety practices to help reduce work-related injuries, diseases and fatalities.

A total of eight applications were received in the 2012 call for applications, and it was pleasing to see such keen interest in this program from people who want to make a difference to their workplace health and safety. The applications were reviewed and assessed by the research committee to determine whether they met the priorities of the occupational health and safety strategic framework of South Australia. Projects were also assessed on their broad relevance and whether the wider community benefited from the project and not just the applicants themselves.

I am pleased to advise that, after thoroughly considering each applicant, the advisory committee has decided to grant $45,290 to Business SA towards the South Australian Oyster Growers Association maritime and shared safety project 2012. This project will establish the current status of occupational health and safety within the shallow water horticulture industry. It will specifically look at oyster growing in shallow water leases and work practices within production sheds during seeding and when oysters have been harvested.

Once current practices have been established, it is the intent that the effective risk reduction strategies be determined for implementation across the industry, with ongoing support and mentoring provided to operators within this specific regional industry. This project is significant, as the aquaculture industry is a high-risk industry, with the second highest injury rate amongst all industries. This industry comprises many small family owned businesses, often with ad hoc safety management practices.

I would like to thank the advisory committee for its continued commitment to promoting research and innovative development to improve workplace safety. I look forward to following the progress of the South Australian Oyster Growers Association maritime and shared safety project and seeing the benefits it will bring to the South Australian aquaculture industry.

The PRESIDENT: The Hon. Mr Darley has a supplementary question.

WORK HEALTH AND SAFETY INNOVATIVE PRACTICE GRANTS

The Hon. J.A. DARLEY (14:47): Can the minister advise what is the accident rate among oyster growers in South Australia?

The Hon. R.P. WORTLEY (Minister for Industrial Relations, Minister for State/Local Government Relations) (14:48): Not off the top of my head, but I will take it on notice and I will get that advice to you.

GIANT CUTTLEFISH

The Hon. M. PARNELL (14:48): I seek leave to make a brief explanation before asking a question of the Minister for Regional Development—also in her capacity as Minister for Tourism—regarding the catastrophic drop-off in cuttlefish numbers at Point Lowly.

Leave granted.

The Hon. M. PARNELL: According to the local economic development board, Whyalla is renowned for being the cuttlefish capital of the world due to the annual migration of thousands of giant Australian cuttlefish to the Whyalla coastline for spawning during the period May to August. As someone who has experienced that event firsthand, I can assure the council that the annual cuttlefish aggregation is indeed a breathtaking event. Where else in the world can you step off the beach straight into a David Attenborough wildlife documentary?

Because of the importance of the cuttlefish to the Whyalla region, a major tourism interpretive facility has been proposed to showcase and provide education about cuttlefish and their breeding characteristics. Tourism is a critical industry for the region, bringing in over $250 million per year to the regional economy, so it is devastating to hear that this breeding season is shaping up as the worst for decades.

Local diver Tony Bramley was on radio yesterday morning expressing his enormous frustration at the lack of government protection for the critical ecological site. When asked the question, 'Is the government doing enough?' he replied:

> No, they're not doing anything like enough...even if it was just to exercise a duty of care, I think they're just taking the easy option, they'll do enough to wave the flag, get some votes but they are not doing anything concrete, they're not making any kind of commitment in resources or money or anything, they're just bandaiding things and doing things in reaction to people making a noise, making a fuss, but there's no initiative, there's no government-led embracing of this magnificent event and the end result...we've lost it and we're just seeing the last few animals out there now...

Even now, not all the breeding sites at Point Lowly are protected from commercial fishing and there has been a breathtaking lack of government action apart from a commitment to measure the numbers as they continue to freefall. This is despite significant concern from marine experts that the Whyalla breeding aggregation of the giant Australian cuttlefish is in real danger of disappearing, possibly forever. I understand that there has been significant buck-passing in government between various departments, with no agency prepared to take responsibility for coordinating action.

Early in June, when the first pictures started to emerge about the lack of strength of this year's season, I called for the establishment of an emergency taskforce to coordinate a response. This morning, the Mayor of Whyalla, Jim Pollock, backed that call, adding that losing the aggregation would be devastating for Whyalla. To give a sense of the likely impact on the town, I understand that usually 1,000 people visit to dive over the June long weekend, and this year there was only 100. My questions of the minister are:

1. As Minister for Regional Development and Minister for Tourism, and in light of the strategic importance of this aggregation to eco-tourism development in the region, what have you done in response to the devastating drop-off in cuttlefish numbers at Point Lowly?

2. Which government agency or department should be taking the lead in coordinating a response to this crisis?

3. What will you as Minister for Regional Development and Minister for Tourism do personally to ensure that this worrying hit to the Whyalla region is being given appropriate attention by the state government?

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) (14:51): I thank the honourable member for his most important question and, indeed,

there are some very serious concerns about the drop in cuttlefish numbers. The science is still out on what is affecting these numbers, and whether the drop in numbers is part of routine cycles of variation or whether there is something else operating, and a great deal of work is in place to consider those matters.

A large spawning aggregation of the giant cuttlefish normally occurs in areas adjacent to Point Lowly in the northern Spencer Gulf between March and September each year. This is the largest known aggregation of giant cuttlefish in the world and it is something which is highly valued, not only by local residents but also by the tourism industry and the recreational diving sector. Giant cuttlefish aggregate in the area because of their habitat preferences for breeding—hard rocky substrate to lay eggs, and clear, calm water. The presence of suitable prey species may be another contributing factor.

A temporary closure notice, issued under section 79 of the Fisheries Management Act 2007, prohibits the taking of squid, cuttlefish and octopus at all times in the waters of False Bay near Whyalla. The closure, which has been renewed annually, ensures a large percentage of the spawning biomass of giant cuttlefish is protected and allowed to spawn each year. The closure covers an area where something like, I have been advised, 92 to 98 per cent of the total statewide catch of cuttlefish was historically taken; so this area still remains open to commercial and recreational fishers targeting other species.

There has been a very low level of targeting giant cuttlefish in South Australia since the majority of the spawning aggregation area was closed to fishing in 1998. Whilst it is permitted to be taken by a number of commercial fisheries, the current statewide commercial harvest is negligible and has not exceeded, I am advised, 15 tonnes per annum in the last 10 years. Given the spatial management arrangements in place through the closure, fishing is not considered to pose a threat to the seasonal aggregation. The closure is monitored by fisheries officers, and patrols have not detected any noncompliant activity this season, which is the latest advice that I have received.

A SARDI dive team was deployed to commence a further survey of the giant cuttlefish numbers in the closed area in late 2011 and to scope out considerations regarding the development of a more comprehensive survey design. Natural variability in giant cuttlefish abundance and recruitment is influenced by the impacts of environmental factors such as water temperature and circulation, weather patterns and suchlike.

Variation in population numbers is obviously considered normal. However, because of the lack of comprehensive longitudinal data, it is difficult to make comparisons to know how close this fits a natural cycle or whether this is some significant aberration, but the data that has been collected in recent years will stand us in very good stead.

However, whilst current fishing levels are not considered to be posing a risk to the cuttlefish population, as a precautionary approach in an environment of uncertainty, the former minister announced a move to afford the giant cuttlefish aggregation additional protection under the act while information is being gathered to help understand what is actually going on with that population.

The government has received commonwealth assistance to monitor the breeding and habitat of the giant cuttlefish. SARDI has obtained a grant of over $74,000 from the Fisheries Research and Development Corporation, in addition to its own contribution over the next two years, to support a monitoring and evaluation program for giant cuttlefish, with particular reference to population biomass, water quality and also habitat condition. Submissions are being prepared to make the existing temporary closure in False Bay a permanent and ongoing closure via regulation to close an additional small area adjacent to the Port Lowly headland.

GIANT CUTTLEFISH

The Hon. M. PARNELL (14:57): As a supplementary, when the minister said that a great deal of work was being done, she did not say what she was doing as Minister for Regional Development or Minister for Tourism, so I ask her: what has she done in relation to her portfolios? In particular, will she back the call of the Mayor of Whyalla for a task force, and will she agree to meet with the Conservation Council, which has offered to facilitate such a task force to bring all the key players together to try to work out what has gone on and how this unique aggregation is best able to continue into the future?

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

Women) (14:57): I continue to support the work that SARDI is involved in in terms of evaluating and monitoring—I very much support that—as well as the involvement in the closure that I just outlined in my response. Those things are supported. I continue to work with the minister for the environment in a cooperative and collegial way to ensure that this work continues.

In relation to a task force, I am happy to consider that. I do not know how helpful it would be, but I take that on board and will consider whether that would be helpful. In terms of meeting with the Conservation Council, I am available to meet with the council any time I am asked; and it has never, ever, to the best of my knowledge, asked to meet with me about this particular matter. I attempt to meet with any and all organisations that request to see me, whether they are small or large.

I try to meet with as many members of the public and representative organisations as possible; and, if I am not able to meet with them, I can usually manage to ensure that an officer is able to meet with them and pass on their concerns and considerations to me.

CARBON TAX

The Hon. S.G. WADE (14:59): I seek leave to make a brief explanation before asking the Minister for State/Local Government Relations a question in relation to the carbon tax.

Leave granted.

The Hon. S.G. WADE: In a recent letter to local government mayors from the federal Parliamentary Secretary for Climate Change and Energy Efficiency, the Hon. Mark Dreyfus QC MP stated:

> A letter sent to councils in the week of 21st May...by the Leader of the Opposition claimed that the carbon tax would make it more expensive to run council trucks from 1 July 2012. This is not true.

Later, the letter goes on to state:

> The facts are that from 1st July 2012 on-road fuel costs will not increase as a result of the government's Clean Energy Legislative Package.

The government's Clean Energy Legislative Package is otherwise known as Labor's toxic carbon tax. On Monday, the Minister for State/Local Government Relations advised Estimates Committee B:

> I expect that the carbon price will have an impact on councils through increased electricity and fuel costs and through the costs associated with waste management and the construction of buildings and infrastructure.

My questions to the minister are:

1. Can the minister explain to the council why he disagrees with his federal colleague?

2. Which government minister should councils rely on as they plan to deal with the toxic effects of Labor's carbon tax on their operations?

3. Has the minister had any contact with the federal Parliamentary Secretary for Climate Change and Energy Efficiency regarding the effect of the carbon tax on local government?

The Hon. R.P. WORTLEY (Minister for Industrial Relations, Minister for State/Local Government Relations) (15:01): The federal government is establishing a carbon price mechanism to reduce the amount of carbon dioxide Australia emits into the atmosphere. This carbon price mechanism will commence on 1 July 2012. The introduction of a carbon price of $23 per tonne of carbon dioxide equivalent emissions will affect local governments directly through increased electricity, waste management and fuel costs and, indirectly, through costs associated with the generation of municipal wastes and costs related to construction of buildings and infrastructure.

I am aware that the Local Government Association has undertaken a number of initiatives to assist councils in understanding carbon price implications for local government by developing carbon price information papers and holding conferences and forums. I would expect councils to make budget and rating decisions regarding the implications of a carbon tax on the best available information at the time and not on the basis of speculation, especially the speculation that deliberately exaggerates the overall impact of the carbon tax on individuals and communities. Councils have indicated that they expect to respond to the introduction of the carbon price by:

- offsetting their carbon price liability by creating credits through the capture of emissions from landfill;
- raising their waste management charges to reflect the higher costs of landfill and related operations;
- increasing energy efficiency and investing in renewable energy sources, possibly with the assistance of the federal government;
- increasing user-pays charges for other selected services; and
- absorbing higher costs through operational savings and service reviews.

In relation to commonwealth government assistance, the commonwealth government is committed to providing support to local governments to facilitate a smooth transition to a clean energy future.

I am advised that there is an opportunity for councils to reduce or, in some cases, remove their liabilities by taking action to reduce emissions. Activities that reduce emissions include: capturing landfill gas to generate electricity; flaring methane; waste diversion; recycling, and composting. Many of these activities can generate revenue and councils may be eligible for the commonwealth government incentives through schemes such as the Renewable Energy Target and the Carbon Farming Initiative.

The Carbon Farming Initiative is the commonwealth's legislated offset scheme, providing an opportunity for landfill facilities to generate credits by reducing emissions from waste deposited before 1 July 2012. CFI credits can be used to meet obligations under the carbon price. They could be sold to firms with a carbon price liability or used by a council landfill operator to offset its own carbon price obligations.

The implications of the Clean Energy Future package, Australia's principal climate change action plan, will be different for each council, as waste management practices and the profile of energy sources vary significantly. It should be noted that the CEF package provides many challenges for local government but also provides many opportunities. This package provides opportunities as the cost of the CEF can be offset by a number of funding programs aimed at renewable energy, efficiency and carbon capture, which will be available to local government.

The Low Carbon Communities program has been expanded from $80 million to $330 million under the CEF package and will be available for councils to introduce energy efficiency schemes such as energy efficient infrastructure and the transition to sustainable street lighting. There will be no carbon price liability for landfill facilities with emissions of less than 25,000 tonnes (CO_2e) of carbon pollution a year at least for the first three years of the carbon price. Additionally, councils and existing ratepayers will not be asked to pay for emissions from waste deposited over previous decades; this is known as legacy waste. For this reason, coverage of landfill emissions will be limited to emissions from new waste.

CARBON TAX

The Hon. S.G. WADE (15:06): I have a supplementary question. I thank the minister for his answer and ask in the context of it: has the minister written to local government mayors to set the record straight (that is, that the tax will directly impact on them) and to the federal parliamentary secretary to ask him to stop denying the impact of the tax on local government fuel costs?

The Hon. R.P. WORTLEY (Minister for Industrial Relations, Minister for State/Local Government Relations) (15:06): I have not written to any local councils regarding this, but I will say that councils are aware that they have a responsibility to ensure that they do not exaggerate the cost of carbon with regard to putting up their rates. The Australian Competition and Consumer Commission is also monitoring organisations, and councils will be part of those organisations, that profit from the introduction of the carbon tax. I understand there will be significant penalties for those organisations exaggerating the effects of the carbon price in their rates.

CARBON TAX

The Hon. J.A. DARLEY (15:07): I have a supplementary question. In the case of a licensed landfill operator that captures 96 per cent or 100 per cent of their carbon emissions, can the minister advise whether they are required to pay carbon tax?

The Hon. R.P. WORTLEY (Minister for Industrial Relations, Minister for State/Local Government Relations) (15:07): I will take that on notice and get back to you as soon as possible.

TELECROSS

The Hon. J.M. GAZZOLA (15:07): My question is to the Minister for Communities and Social Inclusion. Will the minister update the council on the celebrations for the 40th anniversary of the Telecross service?

The Hon. I.K. HUNTER (Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (15:07): I would be delighted to, and I thank the honourable member for the question. As he knows, Telecross is a very important service for many elderly members of our community and it has been providing an important service to the community for 40 years.

Telecross provides a phone call from a volunteer to registered clients every day to check in on their health and wellbeing. Most of us rely on and look forward to regular contact with our family, friends and neighbours, but for many people this is just not their experience of life. In some cases their health and life circumstances may prevent them from engaging with the wider community in this way. Thanks to Telecross, however, there is an option for these people to remain connected with other people. Those who access the service report feeling a sense of security and peace of mind knowing that someone is thinking of them and that someone phones them every day to have a friendly chat.

On 7 June, I attended the 40th anniversary of providing this service at Red Cross House. It was a great turnout. Many people joined in the celebrations, including the Hon. Mark Butler, the federal member for Port Adelaide and federal Minister for Social Inclusion; Mr Michael Raper, Director of Services and International Operations at Red Cross; and Ms Adrienne Smith, Regional General Manager of the Commonwealth Bank. All are keen supporters of Telecross.

I mentioned in my comments at the event the Weatherill government's commitment to Telecross into the future. We provide over $800,000 in funding to this program, but it must be said that participants were far more eager to hear from Ms Maggie Beer, a South Australian luminary, who also doubles as the Australian Red Cross Ambassador and whose daughter catered for the affair, which elicited much more attention than my speech. But who could compete with that family and their culinary skills?

An honourable member interjecting:

The Hon. I.K. HUNTER: I'm not underestimating them at all. The Commonwealth Bank of Australia, however, attempted to by announcing a $250,000 pledge, as well as a commitment to provide 100 corporate volunteers to Telecross. I think that is a fantastic outcome and the Commonwealth Bank should be congratulated for that. Telecross is a vital service that has served South Australia well for 40 years. On behalf of the South Australian government we wish them all the best for the next 40 years.

BLACKWOOD RAIL OVERPASS

The Hon. K.L. VINCENT (15:09): I seek leave to make a brief explanation before asking the Minister for Communities and Social Inclusion and Minister for Disabilities questions regarding the Blackwood train station overpass.

Leave granted.

The Hon. K.L. VINCENT: In recent weeks we have discovered that the government plans to proceed with a highly unpopular proposal of the Department of Planning, Transport and Infrastructure. I am not talking about the Cadell ferry, but, instead, the Blackwood train station overpass. Unfortunately, there has been about as much consultation on this matter as there was with the Cadell ferry decision: that is, very little.

A fortnight ago, whilst we were still sitting in this chamber, my staff member went to the community meeting on the Blackwood train station overpass proposal. On a cold, drizzly Wednesday night in the Hills, more than 70 local residents turned up to express their outrage about the fait accompli that had been presented to them by the department in relation to renovations to the Blackwood train station. The local mayor was there and he was none too amused; the department had not even consulted him. Whilst officers of the department were in attendance, the Minister for Transport, Patrick Conlon, and the Chief Executive of the department, Rod Hook, were

not there to hear the heated discussion that went on for some hours in the Blackwood Uniting Church.

Residents are furious, and rightly so, that in addition to there being no consultation, anyone with mobility issues who uses a wheelchair, a pram or a walker will not only struggle to access the platforms from the Belair line at the Blackwood station, they will not be able to get to the Blackwood shops using the mazeway crossing that they have used for many years. This limits their community access and opportunities for exercise. Indeed, the accessible train crossing requires a 1.6-kilometre round trip in a northerly direction along undulating terrain adjacent to the track, which is hardly practical if you are using a wheelchair.

Yesterday, on 891 ABC radio, the local member for Davenport, Iain Evans, said that whilst he had been briefed on this matter by the department some time ago, he was not consulted per se and was also assured at the time that there would be extensive community consultation. During that meeting he said he also raised issues regarding access for people with disabilities, local commuters and residents using prams, and other mobility issues. No such promised consultation ever occurred and as much was admitted by departmental staff at the 13 June public meeting. My questions to the minister are:

1. Is the minister concerned about the lack of local public consultation undertaken by his government on this issue?

2. Is the minister concerned that people using wheelchairs or walkers, parents or carers with prams, and those with disabilities limiting their mobility or endurance, such as respiratory conditions, will now be forced to perform in excess of a 1.5-kilometre loop to cross the train tracks at the Blackwood station?

3. Has the minister sought to intervene in the overpass decision that has outraged local residents, including those with mobility issues?

4. In light of the reversal of the Cadell ferry decision, has the minister spoken to minister Patrick Conlon or Premier Jay Weatherill to express his concerns about this decision that excludes many people in the area from public transport?

5. If he has discussed the matter with the minister or the Premier, has he either sought to have this decision reversed or requested what other viable track crossing options might be investigated?

6. Is the minister concerned that the Transport Accessibility Advisory Group (TAAG) of the Department of Transport, Planning and Infrastructure was given the overpass option as the only viable option and therefore signed off on the decision because they felt they had no choice?

7. Does the minister know whether staff in his department alerted the previous minister for disabilities, Jennifer Rankine, to the TAAG endorsement of this inaccessible overpass at the Blackwood station?

The Hon. I.K. HUNTER (Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (15:14): I appreciate the question from the honourable member because it allows me to put some things on the record. I have to say at the outset that this is the portfolio responsibility of a minister in the other place, the Hon. Patrick Conlon. In anticipating that questions would be raised, I sought from the department some advice which—

Members interjecting:

The Hon. I.K. HUNTER: Well, not necessarily the Hon. Ms Vincent; I expect it could have come from any source whatsoever, but I did take up some concerns that I had with the department and now wish to place on the record some of the responses I had. In 2011, the Minister for Transport and Infrastructure approved the construction of a pedestrian overpass at the Blackwood Station on the Belair line.

Currently, passengers on the Belair line who use the large eastern car park are required to cross the Australian Rail Track Corporation freight line via a passive at-grade crossing at the southern end of the station to access the platforms. The general public also use the crossing to access the Blackwood precinct, I am advised. This crossing has very poor visibility for Adelaide-bound trains on the ARTC line, and I understand it is only 33 metres, compared with the Australian standard requirement of 120 metres, and presents a major safety risk for users.

The limited sight distance has historically been present due to the curvature of the island platform, but necessary upgrade works on the station, including raising the height of the platform and improved fencing on the platform backing onto the freight line, have exacerbated the poor sight distance issue. To ensure the safety of the public whilst a longer term solution is being identified, the Department of Planning, Transport and Infrastructure employed a full-time safety officer, who has been stationed on site for approximately two years.

Extensive investigations have been undertaken, and 22 options were considered and assessed by key experts within and external to DPTI, including the Human Factors Department of the University of South Australia. DPTI faces significant challenges in providing an accessible option due to severe site constraints. Options examined included an active gated pedestrian crossing, as well as the provision of lifts or ramps in an overpass. Unfortunately, the very limited space at this site prevented these options being viable, while many of the other options did not adequately address the safety risks.

DPTI cannot leave the crossing in its current form due to the very high risk of a fatal collision; hence, a $1.3 million pedestrian overpass with stair access only will be constructed. The stair access only solution does not comply—it does not comply—with the Disability Standards for Accessible Public Transport 2002 made under the Disability Discrimination Act 1992 requirements. It is, however, supported by DPTI's DDA coordinator, as well as external disability representatives who form the Transport Accessibility Advisory Group (TAAG).

Members of TAAG who endorsed this solution included representatives from Our Voice, People with Intellectual Disabilities South Australia Inc., Physical Disability Council of South Australia, Royal Society for the Blind, the Access Cab Consumer Representative, Guide Dogs Association of South Australia and Northern Territory, Disability Advocacy and Complaints Service Inc., Spina Bifida Hydrocephalus Association of South Australia, Paraplegic and Quadriplegic Association of South Australia Inc., and the Council of the Ageing's Senior Voice representative.

As part of this project, I refer to the minutes of a meeting held on Wednesday 18 May 2011 at which those representatives were present, I believe it says:

> After exhaustive investigations, it has been determined that the safest and most equitable solution is to construct a pedestrian overpass spanning over the ARTC track with stair access. As previously discussed, ramps cannot be installed due to site constraints. These same constraints apply to installation of lift access, the footprints of both solutions will not fit. The existing unsafe ARTC mazeway crossing will be closed.

It then goes on to list a number of requirements to ameliorate some of the concerns about disability access, and I might read those into the record very shortly.

As part of the project, additional accessible parking will be provided in the western car park, as well as priority parking for people with walking aids or prams. During the time the full-time safety officer has been employed on the site, there have been no observations of customers in wheelchairs wanting to access the station via the current at-grade crossing in question. Persons currently using the at-grade crossing and who are unable to use the stepped overpass will be required to walk to an at-grade passive pedestrian crossing at the northern end of the station on Elm Street.

At this location, the line of sight of approaching trains is acceptable. DPTI's design works involve meeting with up to seven council officers from the City of Mitcham over the past 12 months. At these meetings, two offers were made to brief all council members. Council also made comments on the Development Assessment Commission application, with no major issues raised.

Only very subtle design changes on the structure were requested, which were accommodated by DPTI, I am advised. Briefings were undertaken by DPTI with disability representatives, as I have just laid out, local members of parliament (state and federal) and council. DPTI recognises that it misjudged the desire within the community for information regarding the extensive work undertaken to explore options and reasons for the proposed solution, but it has been consulting broadly and widely.

Consequently DPTI made a decision to postpone construction to provide further information to the local community. Following a community information evening held on 13 June 2012, DPTI advises that it will work with the City of Mitcham to investigate the development of a pedestrian path between the eastern car park and the northern mazeway crossing to provide a more convenient safe crossing point for local residents. In the meantime, construction of the pedestrian overpass will proceed as this is the safest pedestrian access

DPTI can provide at the station; and train timetables, I am advised, will remain unchanged during this construction process.

To ensure the works are undertaken safely and efficiently, access to the centre platform will be restricted, and passengers have been advised to arrive at the station at least five minutes prior to their train departure to allow for additional time to access the centre platform via modified access arrangements. I am also advised that customised service staff will be positioned at the station to assist those passengers. I am very pleased to be able to put on the record some of these comments because some considerable amount of misinformation has been put across the public airwaves in recent times and it is very appropriate that the facts are put on the table and on the record.

BLACKWOOD RAIL OVERPASS

The Hon. K.L. VINCENT (15:21): By way of supplementary question, will the minister confirm whether the TAAG group was consulted on the full range of options, or were they merely briefed on a decision that had already been taken?

The Hon. I.K. HUNTER (Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (15:22): I can advise, in referring to the minutes, which I have with me, that they record that the top five safest and equitable options are summarised below. So, at the very least, I can say that the top five solutions were presented to and considered by the committee. I do not know whether they got all of the 17 options—

The Hon. M. Parnell: Twenty-two.

The Hon. I.K. HUNTER: —twenty-two options that were initially considered—but the minutes record that the top five safest and equitable options were summarised below and were considered by that committee.

BLACKWOOD RAIL OVERPASS

The Hon. M. PARNELL (15:22): By way of supplementary question, was one of the 22 options considered that of automatic gates as used in rail crossings in Victoria, given that the lack of adequate sight lines is irrelevant when the gates close automatically when it is safe to close them?

The PRESIDENT: The Hon. Mr Parnell knows what a supplementary means by now. Opinion is not relevant.

The Hon. I.K. HUNTER (Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (15:23): I have not read these minutes completely, so if he would like me to take five minutes to do so to get to the answer, I can.

The Hon. M. Parnell: After question time is fine.

The Hon. I.K. HUNTER: I can do it after question time or I can refer the question to the Minister for Transport in another place to bring back a response.

BLACKWOOD RAIL OVERPASS

The Hon. M. PARNELL (15:23): By way of further supplementary, does the minister accept that, given that the state government has taken away an accessible crossing, it is up to the state government and not the local council to fund an adequate replacement?

The Hon. I.K. HUNTER (Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (15:23): I do not accept the premise of the question—it is ridiculous. What I do accept—

The Hon. M. Parnell: You have taken away an accessible crossing.

The Hon. I.K. HUNTER: Well, the government is actually putting in place a safe crossing and not leaving an unsafe crossing in its place.

The Hon. M. Parnell: It's not accessible.

The Hon. I.K. HUNTER: If the Hon. Mr Parnell wants to continue with the position as it is, then be it on his head if there is a fatal collision between a train and a passenger trying to cross at

that position. The government is addressing a patently unsafe crossing and we should be congratulated for doing so. I accept—and the department accepts—that there is more work to do in convincing the community of the need to change the crossing. We need to convince the community of the need to change that potentially fatal and unsafe crossing to a much safer one.

The Hon. K.L. Vincent interjecting:

The Hon. I.K. HUNTER: We need to put the options before the community and convince them of the safety requirements that are required at that at-grade crossing, and that is precisely what we will be doing.

ANSWERS TO QUESTIONS

STATE STRATEGIC PLAN

In reply to the **Hon. T.A. FRANKS** (15 September 2011) (First Session).

The Hon. R.P. WORTLEY (Minister for Industrial Relations, Minister for State/Local Government Relations): The Minister for Aboriginal Affairs and Reconciliation has been advised:

Work was undertaken on a draft South Australian Aboriginal Strategic Plan, however, it's need was superseded by the Council of Australian Governments' (COAG) National Indigenous Reform Agreement (NIRA), which was approved by COAG in November 2008, and the resulting Overarching Bilateral Indigenous Plan (OBIP), which was signed in early 2011. The OBIP outlines the measures the State and Commonwealth Governments are undertaking to Close the Gap in Indigenous Disadvantage in South Australia under the NIRA.

MOUSE PLAGUES

In reply to the **Hon. J.S.L. DAWKINS** (15 March 2012).

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

1. Mice are a widely established pest in South Australia. The Government's focus has been on engaging with industry to improve management practices, which was the recommendation of the South Australian Mouse Working Party in its final report.

Eradication of mice is not technically feasible at local or regional scales and the Government will not be undertaking the sorts of biosecurity emergency responses that are implemented to eradicate a new pest or disease incursion into the State.

The Government, through Biosecurity SA, has promoted better industry preparedness through provision of best practice information to prevent and manage mouse plagues through farmer and agronomist meetings, factsheets and website information.

Mice are a national issue for the grains industry and, following the SA Mouse Working Party's report, the Grains Research and Development Corporation has invested considerably in the area. Biosecurity SA and other agencies worked behind the scenes in 2011 to facilitate alternative commercial sources of mouse bait when a national shortage arose. In fact the cost of bait to farmers fell in 2011 with more competition in the market place.

2. The Australian Pesticides and Veterinary Medicines Authority, is an Australian Government statutory authority that makes independent decisions on the registered use of pesticides, including mouse bait products. In making such decisions the Authority undertakes a rigorous scientific assessment that considers, in addition to product efficacy, the potential impacts on product quality, human and animal health and safety, environmental safety and international trade.

The potential for on-farm zinc phosphide mouse bait preparation was discussed in considerable detail by the South Australian Mouse Working Party and the key issue of concern was farmer safety, as zinc phosphide breaks down to release a highly toxic gas.

Arising out of the South Australian Mouse Working Party's report, the Grains Research and Development Corporation has invested in current research to gather the occupational health and safety data required by the APVMA to assess any commercial application for registration of on-farm mouse bait mixing. Biosecurity SA has been involved in the development of this research project.

3. There is currently a large national stockpile of mouse bait available from commercial manufacturers, which is sufficient to counter a major mouse plague. However, it is unlikely that there will be a major mouse plague in South Australia this year.

MATTERS OF INTEREST

CABRA DOMINICAN COLLEGE

The Hon. J.M. GAZZOLA (15:24): I bring to the council's attention the recent US trip of Cabra college music department's drum corps, jazz band and show choir. On 16 March, under the direction of Miss Saz Burton, music coordinator for the trip, and Rob Boundy, the instrumental percussion teacher and ensemble director, 28 Cabra students went on the school's first music trip to the USA.

The drum corps and show choir's first performance was at the Watseka Show Choir Invitational, where they shared the stage with high schools from all over Illinois. They then performed at the Alan B. Shepard High School showcase where the drum corps played two sets of compositions written by Rob Boundy, followed by another performance at the high school's St Baldrick's Day celebration—a fundraiser for children with cancer.

This allowed the students and teachers to play with the school's cheerleaders, jazz band and basketball players to around 2,000 people, one of the many highlights of their trip. Another exciting visit was to Western Michigan University where they performed under the guidance of Dr Stephen Zegree of the widely-known Gold Company program at WMU.

Following this, they performed as special guests at the Next Generation Jazz Festival in Monterey, a three-day event for high schools enabling them to perform, compete and compose in many divisions. The last stop was Disneyland with a performance at the Magic World of Disney in Anaheim which both captivated the audience and left the students with an experience they will never forget.

During the tour, students gained valuable exposure to competitions, watching rehearsals of world-class drum corps internationals, experiencing a performance from five times Grammy-nominated jazz pianist, Fred Hersch, as well as being a part of many educational experiences.

The benefits of this trip were not just one way. Showcasing Australian heritage and culture through Australian-themed performances involving drums, choir, band and Indigenous instruments was highly appreciated by the Midwest audience. Building a relationship with other schools and audiences and witnessing the commitment and enthusiasm of American schools and communities is something that these students will bring back to Adelaide.

I will say just a little bit about those who organised and ran the trip. Rob Boundy started at Cabra college in 2008 and has built up the school's drumming community to include the Cabra Dominican College Drum Corps, involving students from year 7 to year 12. I might add that other students aged 15 to 17 are also given this opportunity through the school's extracurricular music program. Saz Burton, also a teacher at Cabra as previously mentioned, is an alumnus of WMU, which was invaluable in smoothly organising and coordinating the trip.

The commitment from both teachers shows that passion for music in South Australia is well and truly alive. Countless hours of rehearsal during lunch, after school and weekends, together with a fundraiser night and performances for the junior and senior drum corps at WOMADelaide and a twilight USA farewell concert, were part of the preparation for their successful tour. We must not forget the parents and school community for their efforts in bringing this tour to reality.

I conclude by acknowledging the commitment and contribution by all in achieving such a successful musical tour showcasing South Australian talent to a wide American community. Without such dedication, the growth of music in South Australia would not be possible. This was an excellent opportunity to show that, while South Australia may be a little state, it is one that drives the quest for excellence equal to anywhere in the world. Finally, I thank Kelly Reynolds for her assistance in compiling this matter of interest.

FREEDOM OF INFORMATION

The Hon. R.I. LUCAS (15:28): I want to speak again today about the ongoing problems with what are supposed to be freedom of information processes within government. I refer specifically to an application lodged with the Department of Treasury and Finance. Back in May 2011—specifically, on 10 May 2011—I sought copies of all documents including emails and

notes of telephone conversations since 1 January 2009 relating to any ICT project connected in any way to the RISTEC project.

Since May 2011, this particular application has been an ongoing saga. Soon after the receipt of the application, we were told by the Treasury freedom of information officer that the scope of our application was too wide and we were asked whether we could limit it in some way to make the task more manageable. So on 17 May we advised that we were prepared to remove the request for emails and notes of telephone conversations, as we were advised that that would have increased the scope significantly over and above the normal, or more traditional, definition of documents.

Soon after that on 2 June 2011, we were advised that 13,000 pages had been found, with more to come, and that the scope of the application was still too wide. On the basis of that we then further changed the scope of the application from 1 January 2009 to 1 January 2010. In essence, we limited it to a time period from 1 January 2010 through to the date of our application in May 2011.

Soon after that, again, in June last year, we were advised by the freedom of information officer that 27,000 documents had now been identified and that the scope of the application was too wide, and were again asked to further amend it. The next day we were advised that it was not 27,000 documents but, in fact, 27,000 pages; nevertheless, still a very significant scope of documents. We were again told that that the scope of the application was too wide, and were asked if we would further amend it.

We then further amended it by advising freedom of information to restrict the application to copies of documents relating to the total cost of any ICT project that was connected in any way to the RISTEC project. So we had restricted the complete range of documents back to any document which referred to the total cost of any ICT project that was connected in any way to the RISTEC project. As I said, we were told on 24 June that there were 27,000 pages of documents within the scope; we then further restricted it to the total cost of any ICT project.

This month, on 8 June 2012—13 months after the application—we received the following response from Treasury to our application. It said that as it had not determined the application within 30 days, the agency was taken to have determined the application by refusing access. However, it then went on to say that a search of the department's databases and information stores had not identified any documents that were within the scope of our request.

So we have the extraordinary situation of having been told, 12 or 13 months ago, that there were 13,000 pages, then 27,000 pages of documentation and that the application was still far too wide and that there were 27,000 pages within the scope of our request, yet we are now told, 13 months later, that there is not one page, out of all the 27,000 pages, that is within the scope of the application of this particular freedom of information request.

That is clearly, to any reasonable person, an extraordinary response from this government and its processes to a freedom promotion request: 13 months to come back and say that there is not one page, not one document, within the scope, when 12 months ago we were being advised there were 27,000 pages of documents within the scope of the freedom of information request. It is no wonder that people believe that this government, under Mr Weatherill and the ministers, is the most secretive government in this state's history when this sort of response is being provided by this government's freedom of information processes,.

Time expired.

ABORIGINAL PRISONERS AND OFFENDERS SUPPORT SERVICES

The Hon. G.A. KANDELAARS (15:34): I recently had the pleasure of visiting the Aboriginal Prisoners and Offenders Support Services at its premises in Cypress Street, Adelaide. I met with the CEO, Frank Lampard OAM, and some of his senior management team—Peter Smith, General Manager Services, and Diane Haddington, from the Exceptional Needs Services team—who took me through some of the programs that APOSS run. APOSS is a pre-eminent Aboriginal organisation, having been formed some 17 years ago as result of the 1987 Royal Commission into Aboriginal Deaths in Custody.

APOSS has two divisions: Exceptional Needs Services, funded through Disability SA; and the general service funded by the commonwealth Attorney-General's Department. APOSS's exceptional needs program is operated in Adelaide and Port Augusta. In both locations, APOSS locates people who are homeless and who typically have not been diagnosed with a

mental or physical disability. Many do have such conditions but are not diagnosed for a multitude of reasons. APOSS's exceptional needs program is very resource intensive, dealing with some of the most difficult and high-risk cases in the state. This program is therefore very challenging to operate.

APOSS's general service provides programs accommodation, housing and general client requests, and focuses on Prisoner Through Care support for those principally in their last six months of imprisonment and the first six months after their release. APOSS at any one time manages over 300 current Prisoner Through Care clients and intensively case manages those who are assessed as 'willing and ready to change'. This group varies, but it usually involves around 60 individuals, both men and women, and includes several youth.

The majority of the latter group of 60 has a high success rate, particularly when they are able to secure employment. However, many have never had a job and are often transgenerational unemployed with a very low skill base. APOSS runs these individuals through basic life skills programs, and earlier this year APOSS began one of their most successful programs, the Parappendi (Men's Group) Cultural Program. This program involves some 25 men cutting and moulding didgeridoos and then learning to play them. It is hoped that this year's program will culminate in a live performance in NAIDOC Week in early July.

Another program that APOSS also works with is Major Sumner's Camp Coorong. Camp Coorong provides an ideal location for rehabilitation, re-socialisation and reconnection. Both APOSS and Camp Coorong are developing a program that in the first instance will provide a venue free of the pressures of normal life while at the same time instilling a strong work ethic through daily participation in cultural activities. This program will be partly run from Camp Coorong and APOSS's existing facility at Pennington. The aim is that, once an individual settles into a new way of thinking—that is, they make a real and positive change—they will be ready for pre-vocational and other initiatives.

APOSS is assertively engaging with Aboriginal prisoners and offenders and their families when, where and in whatever way they either seek help or come to the attention of the system because of their vulnerability. The approach uses every possible pathway to reconnect people into a positive and meaningful future. This model may be recognised by some as 'tough love'. This is a particularly effective approach in the Aboriginal cultural context. This approach takes time, patience and persistence, hopefully with the end result being that individuals will make safer life choices for themselves and their families. I again thank Frank Lampard and the APOSS team for the wonderful and tireless work they undertake on behalf of Aboriginal people in this state.

RED NOSE DAY

The Hon. J.S. LEE (15:39): Please allow me the indulgence of holding up a red nose and a soft toy just for a moment. This is a time to be silly, even though it is not quite Christmas time for Rudolph the Red-Nosed Reindeer. However, it is time to be silly for a serious cause, and today I rise to speak about Red Nose Day. On Monday night, 25 June, it was a great honour to attend the reception hosted by His Excellency Rear Admiral Kevin Scarce, Governor of South Australia, to celebrate 25 years of Red Nose Day.

Some of you may have noticed that there is a big red nose on the gate of Government House. It goes to show that His Excellency is going out of his way to raise awareness for Red Nose Day. I wish to thank His Excellency the Governor and Mrs Scarce for their ongoing commitment and generosity in supporting many charitable organisations in South Australia.

It was heartwarming to meet so many parents, volunteers and ambassadors for Red Nose Day at Government House. I would like to congratulate the board members, management, staff and volunteers for the wonderful and important work they do at the Sudden Infant Death Syndrome Association of South Australia, now trading as SIDS and Kids South Australia.

SIDS was formed by a group of parents in October 1977. Their main aim was to raise funds for research and to educate the community about the terrible Sudden Infant Death Syndrome. Research by SIDS shows that over nine children under four years of age die suddenly and unexpectedly every day in Australia, and up to 60 people are affected by the death of one child.

Losing children from sudden death is an awful and traumatic experience for parents and family members. For this reason, the bereavement support services offered by SIDS are vital for all Australian families. Each year, SIDS and Kids handles thousands of queries through a bereavement support line. SIDS and Kids programs are offered free of charge to all family

members and friends who need support and are available 24 hours a day through counselling sessions, after-hours counselling, home visits and a range of support groups and events.

Since 1990, education initiatives such as the SIDS and Kids Safe Sleeping Program have saved the lives of an estimated 7,500 Australian babies. In 1988, the Red Nose Day concept was adopted by SIDS across Australia. The first Red Nose Day was very successful, with around one million red noses sold, raising about $1.3 million. Organisers were thrilled with the success and decided to make Red Nose Day a national annual event.

The event has grown and continues to capture the imagination of the Australian public. With a 94 per cent recognition rate in Australia, the concept of putting on a red nose for a day can be silly, but it is for a very serious cause. The concept has expanded to include a range of products and involves celebrities, businesses, vehicles and buildings Australia wide.

I know that many politicians get involved in Red Nose Day to raise awareness as well. I remember appearing in a newspaper in 2010 with the Hon. Michelle Lensink and the member for Adelaide, Rachel Sanderson, looking incredibly attractive with our red noses. I also wish to pay tribute to Dr Susan Beal. It was a pleasure to meet and speak with her at the Government House reception. She is a remarkable human being. She has been investigating the circumstances surrounding Sudden Infant Death Syndrome for more than 20 years.

Dr Beal began working at the Adelaide Children's Hospital in the early 60s. In 1970 she was asked to investigate the incidence of SIDS. Between 1973 and 1990, she visited more than 500 families who had lost babies to cot death and, in 1986, she was able to show that the rate of death was highest among babies who slept facedown. She is credited with being the first person to argue publicly against babies sleeping on their stomachs. In the countries that have taken on her advice, including Australia, the United Kingdom and New Zealand, the incidence of SIDS has almost halved.

Due to her incredible work, Dr Susan Beal was appointed a Member of the Order of Australia in the Queen's Birthday Honours List in 1997, which was very well deserved. This year marks 25 years of Red Nose Day, and I encourage honourable members to put on a red nose—it might look silly, but it is an honourable thing to do—or purchase merchandise on Friday 29 June 2012 to support Red Nose Day. Go red nose!

BLACKWOOD RAIL OVERPASS

The Hon. M. PARNELL (15:44): I rise today to speak about an issue that was raised in question time today, that of the pedestrian crossing on the railway line at the Blackwood Railway Station. For members who are not familiar with the location, what we have at the Blackwood Railway Station are three railway tracks and two railway platforms. Two of the tracks are broad gauge tracks for the metropolitan trains and the other track is a standard gauge line for freight trains. We know the freight trains are increasing in frequency and in length. If they are not already up to 1.8 kilometres they soon will be because the government has decided that the Adelaide Hills route is to be the long-term route for freight trains going from the Eastern States through Adelaide to Perth.

In order for people to get from the railway station car park to the station they have to cross all three tracks. Similarly, if people want to go from the car park to the bus interchange at the station they have to cross all three tracks. At present, there is a level pedestrian crossing with an inadequate maze arrangement, which is what the government is concerned is dangerous and wants to replace. Part of the problem with this situation is that the crossing is not just for public transport patrons, it is also a major access route for people who live in the suburb of Hawthorndene to walk to the Blackwood Shopping Centre. It is the only shopping centre in the region and I would suggest that as many, possibly even more, people cross the tracks who are going to the shops, compared to those who are crossing it to use public transport.

The recent meeting held at Blackwood raised a number of concerns. Rod Hook, who heads the relevant section of the department, has said in the media that he understands the concerns that have been raised. At the heart of the problem is the fact that the department has form, if you like, for planning infrastructure for one purpose and ignoring the downstream implications for other users and other purposes. In fact, you could ask the question: what is it about this government and bridges?

There was the situation with the Bakewell Bridge replacement, where the government wanted to put a footpath on only one side of the bridge. There was the situation with another bridge

across South Road, the tram crossing bridge, where, to cut costs, it was decided to build the bridge with no footpath or cycle path at all. Thankfully, due to a community campaign, which the Greens had no small part in, we managed to have that decision overturned and there is now a footpath and a bike path crossing over South Road.

You could add to the list of debacles caused by short-sighted thinking in the department: the Cadell ferry, the bridge to Hindmarsh Island and the Torrens footbridge to the new Adelaide Oval. There is a problem when departments only look at a small part of the problem and not the whole picture.

The solution, I think, for the Blackwood Railway Station is to do as the Hon. Kelly Vincent has urged the government to do, that is, to make its consultation with the community genuine and not tokenistic. The government needs to make sure that it talks to the residents of Hawthorndene as well as people who are seeking to catch public transport, because this is an important piece of community infrastructure that affects a wide range of people.

I have had an opportunity to look briefly at the draft minutes of the Transport Accessibility Advisory Group meeting that we were told had assessed the different options. I note that one of the options put to them, but with the strong recommendation, if you like, that it would not work, was to have an automated gate. As I said in my supplementary question today, the automated gates work well on rail crossings in other states. I am familiar with them in Melbourne.

The beauty of an automated gate is that it does not require the same sight distances because the gate closes when it is dangerous, the gate closes well before the train arrives. What that would mean in this situation is that when the gate is closed you could not easily cross the tracks. If you were mobile you could use the overhead crossing that is being installed, but at least you would have this option for people who are not able to use those steps to get across the tracks.

I would urge the government to go back to the drawing board. This is a transport department problem. It needs to pay for the solution, but first it needs to consult with the community, and that means the whole community.

Time expired.

ITALO-AUSTRALIAN COMMUNITY

The Hon. CARMEL ZOLLO (15:50): Last month we celebrated National Volunteers Week. On 10 May, along with other politicians, I was invited by the Comitato Assistenza Italiani (CO.AS.IT) to celebrate South Australia's Volunteer Recognition Awards for 2012. The day was an opportunity to celebrate and, more importantly, thank and congratulate the very many volunteers for their dedication and commitment to the Italo-Australian community.

My colleague in the other place the member for Light, Tony Piccolo, who chairs the Volunteer Ministerial Advisory Group, was there to represent the Minister for Volunteers, the Hon. Ian Hunter MLC. Present also were the Minister for Multicultural Affairs and the Minister for Education and Child Development and the members for Morphett and Morialta. The Acting Consul for Italy, Dr Orietta Borgia, also addressed the function.

Led by President Franca Antonella, CO.AS.IT is the peak body that supports the delivery of aged care services to the Italo-Australian community. The two special award recipients recognised this year were Volunteer of the Year, Bill Bailey, for his dedication to the Italian community and his work in residential care. Mr Bailey is a volunteer with the Coordinating Italian Committee (CIC) and has been volunteering since 2006. Even though he is not an Italian speaker, he assists clients with tai chi and keeping them active and enthusiastic.

The other special recognition on the day went to Melodyelisa Silvestri, the Young Volunteer of the Year, for her work in assisting seniors socially and ethically. Melodyelisa's passion and commitment to assisting people was obvious for everyone to see. I understand the CO.AS.IT judges stated that she brought a smile to the faces of everyone around her and that she is an excellent role model for others her age.

The day was an enormous success with a wonderful turnout. To all the volunteers, nominees and winners on the day, a big thank you for your commitment and support to a very special group of people—those who took their leap of faith to commence a new life for themselves and their families and are now in need of recognition and support themselves.

The other function that I would briefly like to mention is the annual celebration for the Italian National Day, held on Thursday 7 June. Whilst the mood of the evening was somewhat saddened

because of the recent earthquakes in the Emilia Romagna region of Italy, it was a good opportunity for the Italo-Australian community, joined by many others, to acknowledge the presence of the community in South Australia and reflect on its many achievements.

The Acting Consul of Italy in South Australia, Dr Orietta Borgia, was joined by all, including Premier Jay Weatherill, in passing on our state's condolences to the Italian nation on the recent loss of life, injuries and loss of homes and public buildings. Premier Weatherill announced that South Australia was making a contribution of $25,000 to earthquake victims.

One of the fine sponsors of the evening was the Brighton Secondary School. The school's music students have been performing at functions in the Italian community for at least four years, if my recollection serves me correctly. The school's very best talent has entertained us with orchestral music, soloist musical recitals, vocal soloists, as well as choral performances. I have had the opportunity to speak of Brighton Secondary School's talented students on another occasion in the chamber and, again, I want to congratulate the school—in particular, Head of Music, Mr Jeffrey Kong—for their passion towards music and instilling in their students the importance of being able to impart their gifts with such joy.

I should also make mention of the special guest who performed with the students, the violin soloist Ms Carolyn Lam. Ms Lam is a lawyer by profession but also a very talented violinist and pianist who does not just perform in Australia but all over the world—one very talented young woman. I know that everyone in the function room was touched to hear that the school had donated $1,000 to the earthquake disaster.

The Hon. J.M. Gazzola interjecting:

The Hon. CARMEL ZOLLO: Yes. I know all would join me in saying a big thank you for their kind spirit and generosity. I again congratulate Italy on its 66th anniversary of the Festa della Repubblica Italiana.

Time expired.

HACKHAM WEST COMMUNITY CENTRE

The Hon. R.L. BROKENSHIRE (15:54): I rise today to talk about two key issues: one is the Hackham West Community Centre and their 30th birthday renovation and the other is to congratulate one of the leaders of the Hackham West Community Centre, Mr Eric Bennett, who received an OAM on the Queen's Birthday honour awards.

The Hackham West Community Centre is a community centre which I have had the privilege of being involved with for a long period of time. Every time you go to the Hackham West Community Centre, you are reinvigorated with respect to the spirit of community and consideration for each other and the general wellbeing of each other.

Sometimes we see negative stories about Hackham West. I think that is unfortunate, although I am pleased to say that rarely these days do you see the negative stories. In fact, you read a lot of very positive stories, and one of the key reasons for this has been the commitment of both volunteers and paid people who work at the Hackham West Community Centre. An enormous amount of people get personal fulfilment, development, family support and general confidence building opportunities from accessing the programs at the Hackham West Community Centre.

The model for the Hackham West Community Centre has changed over the years. Back when I was a member of government and prior to that, government had an arguably much more significant input into the funding and support of the community centre than the then Noarlunga council and even in the early days of the Onkaparinga council. Today, and they should be congratulated for this, the Onkaparinga city council is the primary funder and supporter of the Hackham West Community Centre, together with all the other community centres in the district, and do a really good job of resourcing and supporting the community centre.

The community centre is to be congratulated for the number of grants they obtain. It is only the hard work and knowledge of the volunteers and paid staff that creates enormous opportunities for approval for grants programs that are then directly spent back into the community. I believe that, conservatively, for every dollar of grants that the Hackham West Community Centre receives, they would probably make that dollar into $10 of benefit for the communities of Hackham West and surrounds.

On 17 April, I was privileged to attend the 30th birthday renovation celebration which, at this point in time, is another stage of the renovations and further development of the community centre.

I was involved in working with the community centre many years ago with a new model for funding through the then health department to expand the infrastructure of the community centre and I am pleased to see that there has been an ongoing expansion of infrastructure, but successive governments will still need to significantly increase their funding to allow for further infrastructure to accommodate the needs of the community.

There are people who I want to particularly put on the public record for their outstanding work. There is always a danger in listing people, but these people have shown great leadership, together with the hundreds of volunteers and the thousands of members who support and attend courses, including meal programs and so on, at the centre. Tina Adams, Tim Deslandes, Dave Kelly and Eric Bennett have put extraordinary and outstanding service into the Hackham West Community Centre.

Eric Bennett is an honourable man. He is a man who I always enjoy spending some time with. He is intelligent, he is passionate and compassionate and his family and the Hackham West Community Centre are front and centre of all of his energy and commitment generally. He is one of the people who is certainly very much deserving of an Order of Australia medal. It is a long time coming but it is something that he certainly deserves to have been awarded.

I commend the people who nominated Eric Bennett. I am sure it would have been a very big and detailed nomination because Eric Bennett has done so much for the community. He is still incredibly active, but he also works on a concept of transition and, therefore, he has built a great team around him. I encourage members of the house to visit the community centre and see the great job they are doing for the southern community.

POWERS OF ATTORNEY AND AGENCY (INTERSTATE POWERS OF ATTORNEY) AMENDMENT BILL

The Hon. J.M.A. LENSINK (16:00): Obtained leave and introduced a bill for an act to amend the Powers of Attorney and Agency Act 1984. Read a first time.

The Hon. J.M.A. LENSINK (16:00): I move:

That this bill be now read a second time.

This bill amends the Powers of Attorney and Agency Act 1984 which is currently silent on the recognition of interstate enduring powers of attorney (EPA), so this bill will enable EPAs which were made in other jurisdictions to be recognised in South Australia. Mr President, I declare that I have an interest in this as I have an EPA over my mother—one of my sisters and I have been appointed jointly and severally in that role.

There are several instruments that people can use to appoint someone to act on their behalf in their affairs. A power of attorney provides powers for someone else to manage your financial affairs and a person can only grant it when they are of sound mind at the time of the making of the document. A general power of attorney ceases at the time that someone becomes mentally incapacitated but an enduring power of attorney, as the title suggests, continues regardless of mental incapacitation.

An enduring power of guardianship enables someone else to make personal decisions on their behalf under the Guardianship and Administration Act 1993. There are also powers to make medical decisions under the Consent to Medical Treatment and Palliative Care Act 1995. These instruments are known as medical powers of attorney and advanced directives. The Legal Services Commission's Law Handbook and the website provide some very useful information about each of these instruments. That can be viewed at www.lawhandbook.sa.gov.au.

The difficulty arising from lack of recognition in South Australia, particularly of Victorian enduring powers of attorney, was brought to my attention by a constituent in Mount Gambier who experienced problems when his father-in-law entered aged care and the Department of Veterans' Affairs refused to pay the facility because they did not have a valid enduring power of attorney. This gentleman's parents-in-law had been living in Victoria and had done the paperwork some 20 years ago. After they moved to the Mount, the husband's health deteriorated quite quickly and he needed to enter an aged care facility. Because the facility was not being paid by the Department of Veterans' Affairs, things got difficult but, luckily, this gentleman was still able to sign new paperwork otherwise everybody would have been in the proverbial.

The son-in-law made the point when I spoke to him that the couple was, in fact, lucky that they had family around to assist them because this would be a very difficult situation for a widow or

widower who did not have family nearby. Since we advised that we were seeking to put this bill out for consultation I have had several people contact me, and one professional services provider based in Mount Gambier advised the following:

> We have a client who lives here in Mount Gambier whose mental state has recently deteriorated. Her only next-of-kin are two nieces in Melbourne, and our client is currently spending some time in Casterton Hospital [which is across the border in Victoria].
>
> As we understand it, the nieces are having problems with respect to cross border issues in obtaining guardianship for their aunt.

A lawyer in the South-East has also contacted me to support the bill. He agrees that lack of mutual recognition is a problem and has been for a long time. He advises his clients in the border region that they should do paperwork for both states, just in case. Unfortunately, this increases the expense of documentation so that it is in the order of $500, rather than $200, which is quite an amount of money for any pensioner, in particular.

I have also received feedback that there are similar problems with those other instruments that I mentioned, that is, medical powers of attorney, advanced medical directions and enduring powers of guardianship, and it has been suggested that those relevant acts be similarly amended. In Victoria, South Australian EPAs are recognised through section 116 of the Instruments (Enduring Powers of Attorney) Act of 2003. I have had feedback from Aged and Community Services SA&NT. Mr Alan Graham, who is the CEO of that organisation, says that from their perspective:

> …this seems like a very sensible addition to the legislation and is fully supported by this association. We were somewhat surprised that the need for this amendment had not been picked up a lot earlier!
>
> Having scrutinised the draft bill we have no specific comments that we would add to what we consider to be a well drafted amendment Bill.

I thank parliamentary counsel for drafting that. We have yet to receive feedback from Mr Paul Carberry of the Aged Care Association South Australia, but I would be surprised if he did not support it. The Law Society also has a copy of the bill, and we are awaiting their comments as well. I understand that an extensive review of instruments may be underway. However, my reading of the situation is that amending the relevant acts to ensure mutual recognition should be straightforward and would alleviate the difficulties that many people are currently experiencing, particularly in the Mount Gambier and South-East areas.

The bill itself inserts a new section 14 into the act, which is entitled 'Recognition of enduring powers of attorney made in other states and territories'. Subclause (1) states that an interstate EPA is valid so long as the powers given under the law of the originating state or territory can be given under the South Australian act. Subclause (2)(a) states that any restriction made to an interstate EPA under the law of the originating state or territory shall apply in South Australia. Subclause (2)(b) states that an interstate EPA cannot confer any powers on an attorney in South Australia beyond that of a South Australian EPA.

Subclause (3) states that any interstate EPA prescribed by regulation will not be recognised in South Australia. Subclause (4) states that, in any South Australian legal proceedings, signed documents which adhere to the requirements of an interstate EPA under the laws of the originating state or territory will be considered proof of an enduring power of attorney.

I indicate that amendments to those other acts may also be required, and I will look forward to receiving the advice of the Law Society on that. I do hope that the government does not oppose this on the grounds that it has some other review underway. I think the instruments that I have listed probably do require a considerable review, particularly to make some of the wording more user-friendly, but I think that it is a difficult situation. It should be fairly straightforward to sort it out, and I hope that that does not delay the passage of the bill. I commend the bill to the house.

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

CADELL FERRY

The Hon. D.G.E. HOOD (16:08): I move:

That this council calls on the Weatherill government to—

1. postpone indefinitely the closure of the Cadell ferry service until it has acted upon the further terms of this motion;

2. release the:

(a) cost benefit;

(b) family impact; and

(c) social and economic impact

analysis that was conducted prior to the ferry closure decisions and, if such was not conducted, postpone any such decision until the same has been conducted; and

3. consult and decide within a reasonable time frame on the future of the Cadell ferry service in the Riverland.

No doubt members are aware that the government proposed to close the Cadell ferry (that is not a shock to anyone in this chamber, I am sure) but has recently reversed that decision, I think much to its credit. What a great decision it was for the government to reverse its decision, sir; I thought you would enjoy hearing that. The original motion, which I now propose be amended (in fact, my colleague the Hon. Mr Brokenshire will amend it), called on the Weatherill government to postpone indefinitely the closure of the Cadell ferry service until it released the cost-benefit analysis, family impact analysis, and social and economic impact analysis.

The decision by the government to keep the ferry open is welcomed, applauded even; however, there are some outstanding issues of course. It is of concern that the government should have chosen to announce the ferry closure without any real consultation with the local community. I think that they have acknowledged that; in fact, the words I heard from the Premier appear to acknowledge that aspect directly.

The result has been to create fear in the local community, and there was a huge amount of time spent by locals in lobbying for the decision to be reversed. A great amount of fear was also created in the community, quite apart from concerns about access for locals and farmers who need to move machinery, and access for emergency vehicles. Some locals expected to be without a job as a result of that decision.

There was concern about the local school, which has only a small number of students but, nonetheless, it is very important to those students and the staff, and there was some concern that it might have to close if the ferry closed. There was concern that houses and businesses in the town would also have become unsaleable and that the town would slowly die.

When the survival of a town is at stake, there is more than just economics to consider. I would like to place firmly on the record that Family First opposed the original decision and obviously supports the government's reversal on this. I think it is very much something that should be acknowledged.

The Hon. R.L. BROKENSHIRE (16:11): I move to amend the motion, as follows:

Leave out all words after 'That this council' and insert the following:

1. congratulates the Weatherill Labor government on abandoning its decision to close the Cadell ferry on 30 June 2012;

2. condemns the government for its failure to consult with the local community on the issue; and

3. calls upon the government to table in the parliament its plans and past, present and projected expenditure on the ferries to ensure their continuation in service at Lyrup, Waikerie, Cadell, Morgan, Swan Reach, Walker Flat, Purnong, Mannum, Tailem Bend, Wellington and Narrung.

As I said at the beginning, I congratulate the Weatherill Labor government on the backflip. It is a backflip for common sense, so I want to try to be fair where I can with respect to the comments I am making regarding this amendment. As my colleague Hon. Dennis Hood has already said, Family First was vehemently opposed to the proposal to close the Cadell ferry.

I want to congratulate the hard work of all of the people involved in ensuring that this closure did not occur; the hard work of the local people, particularly of the Cadell region, and the regions beyond including the Riverland; and also the media, both local and state who did a good job in ensuring that the government—particularly cabinet, more so than the backbenchers—woke up to the fact that this decision was nonsensical. When you look through the media, you see story after story, and I want to place a few of them on the record; for example:

I owe my life to ferry. State government putting lives at risk to save just $400,000.

> Christine Kipling says she is alive today thanks to the Cadell ferry. Waikerie resident, Ms Kipling, 60, was [unfortunately] one of five young people involved in a car crash with a semi-trailer across the river from Cadell in 1972.

It goes on to state:

> If not for the Cadell ferry, the ambulance would have had to travel through Morgan, 10km west, before reaching the crash site and rushing Ms Kipling to the Waikerie Hospital.

That was a tragic set of circumstances. However, it could have been even more tragic had the Cadell ferry not been operating. The Cadell ferry has been the Riverland's lifeline during times of emergencies and natural disaster. The 90-year-old ferry was the only ferry in the Riverland that was able to operate during the 1956 and 1974 floods, which saw rising waters strand vessels at Morgan and Waikerie. It was interesting to see a Sunday opinion piece in the *Sunday Mail*, which states:

> In Cadell's case the cutting of the ferry is the cutting of a community's lifeline...It cuts an escape route in flood and fire; it cuts a life-or-death access route for emergency services and accidents; it cuts a vital tourism artery; it cuts a link to a school that could teeter towards closure if students are forced to go elsewhere.

It further states:

> The Labor government's cavalier attitude towards it—no consultation and just three weeks' notice—is similar to its attitude when it planned to shut The Parks.

Then it questions: 'Who cares?' It also states that tourism minister, the Hon. Gail Gago, told a budget estimates committee:

> ...no-one from that community has raised with me any concerns about the closure.

The article further states:

> ...tell that to tourism body Destination Riverland which four days earlier sent her a letter outlining their grave concerns. No doubt it would have gone earlier if there had been public consultation.

It further states:

> Here's a thought for a government desperate to save $400,000 on the ferry, one that might solve two problems at once—cut back on the [number of senior executive] MPs using chauffeured limousines...

The list goes on and on. Mr McKay, who has both the RAA's mechanical and towing services said that he attends a number of vehicle breakdowns and accidents on the Murraylands road as part of his RAA services, and he estimates that that will only increase if the ferry is closed.

I congratulate Mayor Dave Burgess of the Mid Murray Council, as well as its CEO. They did a strong lobbying job to ensure that this backflip did occur. They said that they had not received any letter regarding the proposal to close the ferry service and had not even been asked for their views or been consulted. Cadell has been through a very difficult time—like most of the Riverland—with low water allocations, drought, low commodity prices, and the list goes on, and the last thing that Cadell needed was its lifeline being cut off.

I want just to finish with one other media comment which I found interesting. I found also a very strong approach by a gentleman called Andre Boers, who is actually a runner for one of the local footy clubs, Willaston A grade. The Premier was in the Barossa Valley region on the Saturday before 20 June. The Premier was there watching the game—Gawler Central versus Willaston—after joining the local member, Tony Piccolo, on his 'tour de Light' on the Saturday morning.

The Premier tossed the coin at the start of the A-grade game. Mr Andre Boers, the runner, after being on the oval and seeing the Premier, ran to the coaches' box and told the Premier what he thought about his decision. That is a very courageous but important thing for any constituent to do. I am sure that the Premier was enlightened on the importance of keeping the Cadell ferry going after the runner delivered a message to the Premier.

Even Dr Dean Jaensch, in the first paragraph of an article in State of the Nation headed, 'Cadell ferry decision a bridge too far', said:

> With the AAA rating gone, cuts to almost everything the Treasurer can think of and public sector charges rising, there is no doubt that the South Australian government is in financial and economic trouble. It is no surprise that its razor gang is pressuring every department to find any more areas which are ripe for pruning.

That is where I want to highlight that Family First will be introducing a bill in the near future to ensure that there must be legal consultation if there is to be any closure of a state government road in the future so that we can stop this happening again. Specifically, there will be some words in that

bill that I am having drafted to protect ferry services. A ferry is part of a road and it takes traffic from one side of the river to the other. Clearly, without that ferry service, it is a road to nowhere.

Country people deserve to have their fair share of state government revenue spent on them. I find it interesting that, even in 1993 through to about 2002 when the state had to be rebuilt after the State Bank situation, there was never a decision—never, ever—to close a ferry. Times were tough then, but it was always recognised by the government of the day, and the members of parliament, that no consideration whatsoever would be given to doing something as draconian as closing a ferry. South Australia is not part of a third world country and, with proper prudential management, we should not be in the situation we are at the moment.

I ask the chamber: why should an ill-founded decision like this stress out and potentially jeopardise a community, and not only the immediate community but the tourism opportunities and the general economic opportunities that occur? Life can be at risk. They talk about golden minutes in an emergency situation and without that ferry operating a lot more golden minutes would be required to get to an emergency situation.

I am calling on the government to learn from this mistake. I note that the Hon. Patrick Conlon has been blamed for this and he is the fall guy, because this had to go through cabinet. In fact, if this did not go through cabinet, then cabinet is inept. To make a decision to close off a significant state government road by virtue of proposing to close down a ferry and save $400,000 a year is one that should have gone through cabinet and, if cabinet let this one go through, where was cabinet on the day that it was discussed?

The Hon. J.A. Darley interjecting:

The Hon. R.L. BROKENSHIRE: Well, absolutely. As my honourable colleague John Darley says, it is in contravention of the strategic guidelines the government put out. I am asking my colleagues here to consider the amendment bill that I will be putting up to the Roads (Opening and Closing) Act to ensure that this does not happen again.

By the way, that $400,000 that they were going to save could have been saved in myriad different ways. There is still a lot of fat and waste in areas that the government does not want to touch. Please look after all South Australians while you are on watch as a government. That includes getting away from this city-centric focus and realising that you must govern for all South Australians. All South Australians are part of this state, from border to border, and that is what government is here for.

I believe—not only do I believe but I know—that this current Premier was critical of the former premier because of the announce-and-defend attitude of the government over the last 10 years or thereabouts. This was certainly announce and try to defend. It was nothing to do with debate and decide at all, and we need proper consultation. If some public servant is going to get some harebrained idea like this to suggest to a minister for the saving of $400,000, there has to be proper consultation and consideration.

In conclusion, I commend and support all my colleagues who also did get in and bat to argue the case for keeping open the ferry. I particularly commend the community and the leadership people. They know who they are and I will not single them out, because there are a lot of them who rapidly got a campaign together. We could have had a rally on the steps of Parliament House today. It would have been a significant rally, but, as a result of a combined effort, today can be more of a day of celebration.

I will leave the government with this one final thought. I am sure, with all the spin doctors they have got, they would be reading the letters to the editor. It was interesting to see in the main papers, *The Advertiser* and *Sunday Mail*, that a lot of the letters condemning the government over this were from city people. City people want a fair go for all South Australians. So, if the government thinks it can get away, in the future, with belting a seat that is not a marginal Labor government seat or a seat in Adelaide, they really need to think again. Whilst they may feel that they can single out areas financially and disadvantage them, the people who vote in Adelaide do not agree, and if the government is not careful those Adelaide people will be very, very important in voting out the government in March 2014 at the next election.

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

NATURAL RESOURCES COMMITTEE: ADELAIDE AND MOUNT LOFTY RANGES NATURAL RESOURCES MANAGEMENT LEVY

The Hon. G.A. KANDELAARS (16:27): I move:

That the report of the committee on Adelaide and Mount Lofty Ranges Natural Resources Management Board levy proposal, 2012-13, be noted.

One of the Natural Resources Committee's statutory obligations is to consider and make recommendations on any levy proposal by the Natural Resources Management Board where the increase exceeds the annual CPI rise. I wish to thank all of those who gave their time to assist the committee during its consideration of the levy proposed by the Adelaide and Mount Lofty Ranges Natural Resources Management Board for 2012-13.

The committee believes that the NRM boards overall do an excellent job and play a critical role in the management of South Australia's natural resources. We understand that for the boards and their hardworking staff and committed volunteers there will never be enough funds to undertake all of the NRM projects worthy of support. However, the committee has also consistently expressed reservations about the NRM boards proposing above CPI levy increases.

We believe increases above the CPI should be an exception, not the rule, and that increases should be well justified. This year, all of the NRM boards, apart from the Arid Lands and Adelaide and Mount Lofty Ranges, proposed to keep their division 1 levies to either within or just above CPI, while the Arid Lands board proposed an increase of 50 per cent. The committee made an exception by accepting the board's argument and justification that their proposed increase was warranted, coming as it did from a low base to increase their levies to a level comparable with the other boards.

The committee supports the process of equalisation of division 1 levies across local government areas as pioneered by the Adelaide and Mount Lofty Ranges NRM Board. However, after consideration, members came to the conclusion that in the current economic climate this above CPI division 1 levy proposal could not be supported and it would be better for the levy equalisation to occur at a lower level than that proposed by the board.

The committee initially resolved to object to the levy and then followed up with a suggestion that the Adelaide and Mount Lofty Ranges division 1 NRM levy for 2012-13 should be amended to reflect a rate less than that which appeared in the proposed plan but greater than the 2011-12 rate. The committee is pleased that the minister noted the committee's concern and subsequently revised down the increase to 6 per cent, as was gazetted on 21 June this year.

The Adelaide and Mount Lofty Ranges NRM Board ably administers the largest budget of all the NRM boards—more than $27 million for 2011-12. The committee trusts that, regardless of the final quantum of the funds available, the Adelaide and Mount Lofty NRM Board will be able to cut its cloth and continue its excellent work in 2012-13.

I commend the members of the committee: Presiding Member the Hon. Steph Key MP, Mr Geoff Brock MP, the Hon. Robert Brokenshire MLC, the Hon. John Dawkins MLC (Acting President), Mrs Robyn Geraghty MP, Mr Lee Odenwalder MP, Mr Don Pegler MP, and Mr Dan van Holst Pellekaan MP for their contribution. Finally, I thank members of parliamentary staff for their assistance. I commend this report to the house.

The Hon. R.L. BROKENSHIRE (16:31): I rise to support the report just spoken to by the Hon. Gerry Kandelaars, which was very ably and well-written by him, I might add. It amazes me that he had the time to write it at such short notice, so well done. I will be reasonably brief with what I have to say, and I give notice that in the next few minutes I will combine my discussions on both the report the Hon. Gerry Kandelaars has just moved and the one that he is about to move with respect to multiple reports from the NRM boards across most, if not all, of the state.

I want to highlight that I personally, together with the committee, have for some time had concerns about some of the expenditure and growth in personnel of NRM boards. Well over 300 people are now employed by NRM boards or moving across to be employed under the Department of Environment and Natural Resources. One of the big costs the boards have to cover is wages, and I know that is one of the reasons why the Adelaide and Mount Lofty Ranges NRM Board needed to look at a significant increase in its fees for the year.

As has already been pointed out, the intent of the act in parliament was that unless there were exceptional circumstances NRM boards should not look to lift their annual fees by more than

CPI, particularly at this time when the finances of the state are very tight, we have high taxes and charges across the state, and families and communities are finding it tough. I think it is paramount that the multipartisan Natural Resources Committee, very ably led by the Hon. Steph Key, signals to any organisation that we have some responsibility for—on this occasion, the Adelaide and Mount Lofty Ranges NRM—that increases above CPI have to be very much investigated. Considering that when the NRM board put up its bid for its budget proposal this year it was looking at over 11 per cent, that is an astronomical increase in fees and charges with the levy. As has been explained by my colleague the Hon. Gerry Kandelaars that has now been repositioned to about 6 per cent.

I will not spend any more talking about how that occurred, as it has been overly explained, but I suggest that even 6 per cent is quite a considerable hike above CPI. As one member of the committee, knowing the thoughts of other colleagues on the committee as well, I think it is important to put on the public record for all NRM boards that, clearly, the Natural Resources Committee—a committee of both houses, I might add—will watch increases and requests over CPI very closely in the future.

I thought we actually flagged that to the boards last year. Most of the boards realised what we were saying and adhered to the requirements and intent of the act, but in the case of the Adelaide Mount Lofty Ranges, they decided to go solo on this. They will have to cut the cloth, as has been pointed out by my colleague, just as the rest of us are today in this state. With those few remarks, I commend the report to the house.

The Hon. J.S.L. DAWKINS (16:35): I rise to support this motion, and I concur with the remarks made by my colleagues on the committee. I say at the outset that there are only three of us from this chamber on a committee of nine people, and I think we hold our weight very well with our lower house colleagues.

The ACTING PRESIDENT (Hon. J.M. Gazzola): You are most knowledgeable and talented.

The Hon. J.S.L. DAWKINS: Thank you, sir. Both my colleagues have encapsulated this matter very well. The Hon. Mr Brokenshire and I joined the committee at the same time after the last election, and the Hon. Mr Kandelaars has obviously more recently taken on that role. It has always been our position—and as the Hon. Mr Brokenshire said, it is an instruction within the act—that these increases should be in the area of CPI increase unless there are exceptional circumstances.

Certainly, the arid lands board which the Hon. Mr Kandelaars referred to is an exceptional circumstance. It is such a vast area with such a small population, and extraordinary natural resource issues, that it is an exceptional circumstance. However, the Adelaide Mount Lofty board is almost the exact opposite. It is a relatively small geographical area with well over one million people living in it, so it is by far the largest in population, and cuts across some 26 local government areas.

I think one of my colleagues, if not both of them, has mentioned the fact that our committee has made it pretty clear in dealing with boards in recent years that the time for coming to us with greater than CPI levy increases, unless there are those exceptional circumstances, has passed. I think most of them have got the message. Unfortunately, the Adelaide Mount Lofty board—I live within that area and I understand that they do good work, and there are lots of volunteers who support the work of that board—came to us with a proposal for an increase of 11.4 per cent on the division 1 and the committee found that unacceptable.

As the Hon. Mr Kandelaars has described, the committee objected to that. Subsequently, we were asked by the minister to do more than reject it and to come up with a form of words. That is what we have done, as described by the Hon. Mr Kandelaars and as he has put on the record here today:

> ...to reflect a rate less than that which appears in the proposed plan but greater than the 2011-12 rate.

I think the committee had an option of being much tougher than that and we, in a bipartisan manner, determined to take that course. The minister has, I think, observed our concern and cut down that rate to 6 per cent. He could have taken it further; however, there was some speculation that he may not have taken it down anything like as much as that. To that extent I commend the minister for doing that.

However, I have to put some concerns on the record that, when the committee made the determination to reject the increase by the Adelaide Mount Lofty Ranges NRM Board, that decision from memory was done in early May and I think it was communicated to the minister's office very soon after that. The question I ask is: why, when the motion was put to the House of Assembly, the report was brought up rejecting the levy increase and, as part of the act, that meant that there had to be a motion of disallowance in the lower house?

When that was brought up some five weeks after the minister's office was advised, why did it take that long for the message to get through the system, because it was only when that motion of disallowance was being moved on 13 June that suddenly there was some commotion, a request that this chamber not deal with it that day, which we acceded to, and subsequently the committee has dealt with it.

I can say that as a member of the committee I was disappointed that it took some five weeks for the minister's office to actually get the full message that we meant what we said, that we are not a rubber stamp and that we are there by the act to administer the NRM levy increases. We have done that, I think, as conscientiously and as sensibly as could be expected. One would hope that the message gets through now that, certainly if there is a rejection in the future, the minister's office and departmental people need to act on it much more promptly, because five weeks was ridiculous.

Having said that, I commend the board for the work it does. Like all these organisations, we have to watch the growth in boards. We are all keen to see people out on the ground doing good works and as a committee we have witnessed some of the good work done in that region, ranging from the centre of Adelaide to Port Gawler to Kersbrook, and obviously a wide range of work needs to be done in those areas. I commend them for that, but I also say that we need to keep a close eye on these annual levy rises, and the committee will continue to do that. I commend the work of my colleagues on the committee, and we are very well led by the Hon. Steph Key and very well served by the committee staff. I commend the report to the council.

The Hon. G.A. KANDELAARS (16:44): In closing, I thank the Hons Robert Brokenshire and John Dawkins for their contributions. As the Hon. John Dawkins said, I believe the Natural Resources Committee is one of the hardest working committees in this parliament—

Members interjecting:

The Hon. G.A. KANDELAARS: I did not think it would generate that much contention. It is one of the hardest working committees in this parliament, and it is a great pleasure to have been appointed to this committee. This is actually the 66th report of the Natural Resources Committee in its short history but, as both honourable members have said, the Natural Resources Committee is giving a clear message to all the natural resources management boards that only in exceptional circumstances will the Natural Resources Committee consider levy increases above CPI. I think that is an appropriate position to take. I commend the motion to the council.

The PRESIDENT: It is obvious that the honourable member has never worked on the printing committee.

Motion carried.

NATURAL RESOURCES COMMITTEE: LEVY PROPOSALS 2012-13

The Hon. G.A. KANDELAARS (16:45): I move:

That the reports of the Natural Resources Committee on the Natural Resources Management Board Levy Proposals, 2012-13, for Eyre Peninsula, Kangaroo Island, Northern and Yorke, South Australian Murray-Darling Basin, South Australian Arid Lands, and South East, be noted.

As I said earlier, one of the roles of the Natural Resources Committee is to consider and make recommendations on levies proposed by natural resources management boards where the increases exceed the annual CPI increase.

I wish to thank all those who gave their time to assist the committee during its consideration of the levy proposals for 2012-13. Of the seven proposed increases in division 1 land-based levies for 2012-13, only two were significantly higher than the CPI rate which, for the current financial year, was assessed as 4 per cent. Only one of the two division 2 water levy proposals was significantly higher than the CPI. Overall the committee is pleased to see the various NRM boards generally showing restraint when it comes to proposing levy increases.

Considering the above CPI levy increases presented challenges for the committee. Whilst members were sympathetic to the desires of the NRM boards to increase their funding bases, members believe that, in principle, the above CPI increases should be the exception rather than the rule. In this instance the committee has determined not to object to all of the division 1 and 2 levies, with the exception of the division 1 levy for the Adelaide and Mount Lofty Ranges NRM Board as we have just noted.

Every year the committee aims to visit at least two of the NRM regions to meet with the NRM boards, their staff and volunteers in their natural environment. This year, committee members were fortunate to visit Mannum as part of our inquiry into the Murray-Darling Basin plan. Members appreciated the assistance of the South Australian Murray-Darling Basin NRM Board as well as the Mid Murray Council in arranging a number of visits and meetings with local residents, landholders and traditional owners. This visit, although short in duration, provided us with valuable information for our inquiry.

The committee is also looking forward to visiting the Eyre Peninsula NRM region. We have already held one hearing on a matter before us to collect evidence for our inquiry into the Eyre Peninsula water supplies. The committee has received a large number of submissions—I think it has actually just increased to 58—and we have heard from 14 witnesses so far, including the Eyre Peninsula NRM Board.

Members look forward to learning much more about the challenges of managing water resources on the Eyre Peninsula and welcome the assistance of the Eyre Peninsula NRM Board with the visit to their region. The committee also hopes to be able to fit in a visit to the Alinytjara Wilurara NRM region later in the year if funds and time permit. Unfortunately, a proposed visit to the region last year had to be cancelled.

I commend the members of the committee for their contributions, in particular the Presiding Member, the Hon. Steph Key, who does a marvellous job in containing us all, and Mr Geoff Brock, the Hon. Robert Brokenshire, the Hon. John Dawkins, Mrs Robyn Geraghty, Mr Lee Odenwalder, Mr Don Pegler and Mr Dan van Holst Pellekaan. Finally, I thank members of the parliamentary staff for their assistance. I commend the report to the council.

The Hon. J.S.L. DAWKINS (16:50): In supporting the noting of this report, I will be very brief. I thank the Hon. Mr Kandelaars for the manner in which he has summed up the efforts of the committee. I also add that, in addition to his mention of the visit to the Murraylands, Mannum and Murray Bridge with the South Australian Murray-Darling Basin NRM Board, combining that with our inquiry into the Murray-Darling Basin Authority plan, we also combined that work when we went to the Riverland and even when we went to the Lower Lakes and the Upper South-East. I think it is possible for the committee to combine its work in dealing with the various boards and their work and other inquiries we are charged with.

As the Hon. Mr Kandelaars alluded to, when we return to Eyre Peninsula to do more field work than we were able to do on our last trip, while we will concentrate on the Eyre Peninsula water resources inquiry there is also the opportunity to see in action the works of the Eyre Peninsula Natural Resources Management Board.

In saying that, I must stress the importance of the committee having the ability to make these visits in a way that allows us to comprehensively see the work that goes on out in those regions, particularly when it comes to areas such as the South Australian Arid Lands NRM Board and (I will not be as courageous as the Hon. Mr Kandelaars and try to pronounce it) the AW NRM Board, which covers the Aboriginal lands. We need time and the necessary funding to allow us to travel and to travel in a manner that lets us look at things in greater detail. I stress that that is something that needs to be considered in terms of the committee furthering its work.

Having said that, I enjoy the work of the Natural Resources Committee of this parliament. I think we deal with some excellent people who are doing terrific work. As I said in my previous remarks, all the boards need to make sure that they do not develop their bureaucracy too much and that they maintain their work out on the ground that we all need to see for the benefit for South Australia. We support the work they do and the large number of volunteers who support them in those communities. With those words, I commend this report to the council.

The Hon. G.A. KANDELAARS (16:54): I will just sum up quickly. I thank the Hon. John Dawkins for his contribution and I think he has raised some very important issues. The Natural Resources Committee, as I understand it, is the largest of the parliamentary committees, with nine members. It desires to be a hands-on committee and, to do that effectively, it needs to have the

resources to be able to go and visit the natural resources boards in their own environment. I commend the motion to the house.

Motion carried.

CITY OF ADELAIDE (CAPITAL CITY COMMITTEE) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 30 May 2012.)

The Hon. J.M. GAZZOLA (16:56): It is pleasing to see the steps undertaken by the Weatherill Labor government to revitalise the City of Adelaide, building the ethos set down in the City of Adelaide Act. We note the recent improvements undertaken by the government in initiatives such as: the impending legislation for laneway bars, a trial success evident during the Adelaide Festival; the government's interest in revitalising the city's live music scene; the recent changes to city precinct shopping regulations; the now not-so-new tram extension and trams; proposed changes to stamp duty on off-the-plan apartments in the city and North Adelaide areas; as well as a host of construction jobs that are evident to all.

It is clear that the government is doing its fair share in supporting the aims of the City of Adelaide Act. With regard to this, some interesting comments were made at a symposium held by the Adelaide City Council on the supposed lack of progress over the years and what was termed by the former head of the Property Council, Bryan Moulds, as a leadership vacuum, or the lack of leadership and vision. I am not going to debate the merits or otherwise of his opinion, but make the suggestion that the infrastructure measures undertaken by the Rann Labor government and the leadership announced by the Premier through the Governor's opening of parliament and subsequent actions do show leadership and substance in this rejuvenation.

Interestingly, another speaker at the symposium, John Mant, said of the lack of progress and momentum that blame could be laid at the feet of the troika (as he put it), that symbiosis between The Adelaide Club, the Adelaide City Council and the upper house, which he said effectively blocked attempts by the state government to regulate planning in the city precinct. I can assure him that the Labor government strives for the betterment of the CBD.

To return to the amendment bill, firstly, it should be pointed out that the act was a Liberal initiative, and for the member for Adelaide to assert that the historical omission of successive members for Adelaide from the committee is a flaw flies against the reasoning given in the debate on the original bill. The then Liberal government was keen to point out in its rejection of the Governance Review Advisory Group (GRAG) recommendations that the present model was decided upon for the firm reasons as outlined in the second reading speeches of the original bill. These are clearly and soundly set out. That there has been no need to alter the structure of the committee speaks well of its design and stability. It is pointed out that the current member for Adelaide offers no explanation as to any supposed inadequacies of the current committee structure.

The defence of the amendment, as moved in the Legislative Council by the Hon. Michelle Lensink, as also argued by the member for Adelaide, rests on the well-beaten theme of democratic right. The member for Adelaide considers democratic right, as much as one can make sense of her idea, as not just conferring rights through parliament as representatives of the interests of the majority of people who visit, study or come to work in the CBD, but to a minority who reside in the city being given a pivotal role alongside the committee in the city's development.

Conversely, extending the argument, should we not invite all the relevant members of parliaments, state and federal, or anyone who has a strong interest in the city to a seat on the committee? Presumably, as she loosely implies, proposals such as the Adelaide Oval project and the new RAH (as opposed by her party) would see the CBD residents exercising some pivotal veto affecting all residents of South Australia. It seems that the claimed democratic right of the member for Adelaide to representation on the committee to represent a minority would outweigh the committee's representation of the majority's interest (of all the state) in the wellbeing of the CBD.

This is an unusual theory of democracy. Clearly, as the GRAG report and the Adelaide 21 report identified, the City of Adelaide is a unique case and it has an importance to the state far beyond that of a village borough of the past. It is not the case that those who reside in the city do not have a voice.

In concluding, the history of the council prior to the enactment of the City of Adelaide Act, as outlined by the then premier the Hon. Dean Brown in his media article in 1996, gives us sound reasons not to interfere with the present structure if we are to see the CBD grow and flourish. The government does not support what is clearly a bill that is in the interests of the member for Adelaide and not in the interests of the City of Adelaide.

The Hon. M. PARNELL (17:01): In speaking to this bill, the Greens are often in a position of being unhappy when we think there should be more consultation with stakeholders and when in fact what the government delivers us is less. It is a common dilemma across a whole range of government portfolios.

This particular bill refers to the Capital City Committee which was set up in 1998. It was originally set up to be a link between state and local government. I think that is important, because the link was never expressed to be between state parliament and the local council as a political body of elected members.

When you look at the composition of the committee, you see that the state representatives are all members of the executive. They are all members of parliament as well because that is our Westminster system, but they are on that committee in their capacity as a member of the executive. I think there are practical as well as legal problems with having someone from outside the executive on that committee. Those problems are exacerbated where the person is a non-government member of parliament.

Just to give one example, when you look at the legislation—the City of Adelaide Act—you see that the work of the committee is exempt from the Freedom of Information Act. I think that that is probably appropriate in that it provides some level of protection for the discussions and negotiations on that committee. However, if you had a non-government member on that committee, it would effectively open up all of the committee's deliberations to public scrutiny. That is just the nature of politics. So, I can see that it would be a great temptation for a member of the seat of Adelaide sitting on that committee who was not from the government benches to actually circumvent the Freedom of Information Act in that way.

The other point I would make is that being on this particular committee—the Capital City Committee—is not the only opportunity that the local member of parliament has to engage in the work of the committee. I note that there is a subcommittee system allowed for under the act and there is also a forum which is established by the committee. In looking at the history of this legislation, I went back to the *Hansard* of 1998 and found this contribution from the Hon. Rob Lucas, as minister. He said:

> The Committee is to convene a forum of members of the broader City of Adelaide community and seek the advice of, and share information with this group. The forum will be a means of disseminating information on the factors and issues influencing the development of the city, and will provide an opportunity for major stakeholders in the city, such as the universities and peak bodies representing property, retail, employer and community interests, to consider the policies and strategies for the development of the city, as well as proposals of individuals and agencies.

I note, in that quote, that he did not refer to the current local member. Clearly, the current local member is one of the stakeholders who could be involved in the forum. I would also point out that while the member for the state seat of Adelaide might believe she has a particular interest, no member of this place needs reminding that we are also all members for the City of Adelaide. In fact, I have taken a great interest in development in the city. I was very disappointed to miss, by only a few minutes, the stoush in the mall over the grandstand, when the Hon. Kevin Foley had a run-in with local residents. I was there but missed it by a few minutes. I have taken a great interest in matters in the City of Adelaide, as have many other members of this place.

The final thing I would say in relation to this bill is that, search as I may, I cannot find any other precedent on the statute books of South Australia where a local member of parliament is guaranteed a seat on a statutory committee by virtue of his or her holding that particular seat. It is not something that we have ever done in this state. Having put all of those things together, what we find is that the Greens cannot support the bill as drafted.

That does not, in any way, diminish the important role the local member of parliament could, and should, play in the future development of a key part of the electorate, but I do not believe that the member's interest is above and beyond those of other members of parliament, indeed it is not above and beyond other key stakeholders. Given that there are opportunities for engagement that do not involve a seat on the committee spelt out in the statute, the Greens will not be supporting this bill.

The Hon. J.M.A. LENSINK (17:06): I thank my colleagues the Hon. John Gazzola and the Hon. Mark Parnell for their contributions, and I will make some remarks following those contributions. I noted with interest the Hon. Mr Gazzola's reference to laneway bars. We are actually yet to see a bill in relation to that, and we await that with interest. So, to describe that as being sought, I think, is a bit far-fetched.

In light of the fact that the government attempted to shut down all bars between 4am and 7am last year, it is quite a backflip with a triple pike and comes on the comments about the troika of the Adelaide Club, the Adelaide City Council and the Legislative Council. I am not sure that there are particularly strong linkages there. Indeed, the Adelaide City Council was one of the stakeholders which said, 'We won't shut the bars down between 4 and 7, we will shut them down between 3 and 7.' The Legislative Council was certainly in disagreement with the Adelaide City Council, and what the views are of members of the Adelaide Club, I do not know what relevance that has.

I appreciate the fact that the member recognises that the argument in relation to this bill is to recognise the democratic election of who the elected member for Adelaide is at the time. I do not think there has been any suggestion that the member for Adelaide would have a veto over decisions of that particular committee, and I think that in modern governance practice the more direct lines there are the better.

The Hon. Mr Parnell spoke of the executive members, and I take that point, I think it is a valid one. Unfortunately perhaps, were it not for the manner in which this government operates, with much secrecy and depriving the member for Adelaide information about what is taking place, I do not think her frustration would be quite as acute. It is a situation where constituents expect the member to be at the front line of knowing what is going on in quite a number of areas: festivals, city activations, city safety and projects that take place within the CBD, and they expect her to provide them with feedback.

As the member said, she is the first person people call when they have issues. I think that is a very important point in this argument, and I think she made it very well. I thank honourable members for their comments and look forward to the committee stage of the debate.

The council divided on the second reading:

AYES (10)

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

NOES (8)

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

PAIRS (2)

Ridgway, D.W.	Zollo, C.

Majority of 2 for the ayes.

Second reading thus passed.

Bill taken through committee without amendment.

The Hon. J.M.A. LENSINK (17:16): I move:

That this bill be now read a third time.

Bill read a third time and passed.

DRUGBEAT

Adjourned debate on motion of Hon. A. Bressington:

That this council recognises the valuable work and outcomes achieved by the DrugBeat Program of South Australia in Elizabeth Grove over the last 14 years and that this program:

1. was the first to develop a painless and humane detoxification process for opiate addiction and methadone;

2. was the first to use naltrexone in a therapeutic situation for opiate addiction;

3. was the first to recognise a need for a structured and sequential recovery program for addicts;

4. was the first to recognise the need to include family in the recovery process;

5. was the first to develop a proactive parenting program for recovered addicts to break the generational cycle of addiction; and

6. fulfilled all three objectives of the harm minimisation policy, those being to reduce the harm, reduce the demand and reduce the supply of illicit drugs.

(Continued from 30 May 2012.)

The Hon. J.M.A. LENSINK (17:17): I rise to make some comments in relation to this motion which is to recognise the good work of the DrugBeat rehabilitation program. I would just like to open with some general comments about the non-government sector because I think that they typify what is happening in this area. I think DrugBeat is, at least in part, a victim of that and has been over the years.

Non-government sector employees in drug and alcohol services are paid at 35 per cent less than government employees with much worse conditions and lack of tenure because of their employing organisations' reliance on grant funding, which is often annual and advised late in the financial year and the funding cycle, so non-government organisations just cannot plan.

It is something the sector lives with because the people who work in it are passionate and dedicated. To a degree, a lot of the non-government sector faces the same deal, not just alcohol and drug services, unless they can obtain some more secure funding or if they, indeed, get to be large, as some of the church and charitables have, and diversify into a range of sectors.

The small organisations are hurt the most and the Hon. Ms Bressington spoke in her contribution of what is called the service excellence framework, which is a quality assurance program that the AOD NGO sector has undergone, imposed on them by the government. In the long run, I think such programs are good in theory as long as there is a point to all the hoops that the government makes them jumps through, but if there is not it is just red tape and a significant expense that many small organisations cannot afford as time and resources are diverted from the coalface work.

Then there are the vagaries of 'planning priorities': areas which receive attention and funding at the expense of the regular work. A cynic may call them fads but we do know that program priorities come and go and the sector has to ride that wave as well. In any community sector there are different points of view and groupings of philosophies. The AOD sector is no different and, in some ways, it is quite polarised, as I learnt when I attended a conference a few years ago called Thinking Drinking.

There are those who believe that alcohol should have the greatest focus rather than so-called hard illicit drugs; those who believe that if we legalise illicit drugs we can reduce harm; those who do not, with parallels drawn with the prohibition experience in the US. There are some who say addiction is a disease and some who say addiction is a condition. There are some who say that marijuana is a gateway drug and some who oppose clean needle programs and, of course, in relation to this motion before us, some say that abstinence-based programs do not work.

In the alcohol and drug space I believe that the most useful approach is to keep an open mind about most things and that one person's evidence-based program is another person's challenge to prove that there is another way to achieve the same thing. Personally, I have never tried to get into being labelled philosophically in any particular way as I do not think it adds to the debate and does not advance the sector. I think there should be space for multiple approaches to the treatment or management of addiction—that one size does not fit all—and that is why I will be supporting this motion, obviously.

Mr Andris Banders is the Executive Officer of the SA Network of Drug and Alcohol Services (SANDAS). He has written about the difficulties the sector is facing in the most recent publication of the South Australian Council of Social Services. It is quite an alarming read, and I would like to read an excerpt into the record, because I think it illustrates how things are travelling. He stated:

> Most funding cycles have tremors. This year the tectonic plates shifted. Many alcohol and other drugs (AOD) NGOs in South Australia woke up after the 2012-15 tendering rounds for SA Health and the Commonwealth, and felt shock and awe. Paid and voluntary work and jobs have been put at risk. Years of skill investment, training and knowledge capital might be lost off the sector's balance sheets. Some NGOs fared well and some will stay very partially afloat. Others, after years of going the distance and being there for clients when no other doors would open—well, they just won't be there. And amid all the rhetoric of Closing the Gap, the chasm for Aboriginal people with AOD and comorbidity has widened. The loss of Aboriginal-focussed services is considerable.

He has quite a bit to say, and I am not going to read it all into the record, but it is worth reading his comments. He finishes the article with a story about a lady named Kendall who spent nine months in a residential rehabilitation program and how she and others fear that without that sort of service people in similar situations literally will not survive. The fear within the NGO sector is that effective programs are about to close. The sector will lose expertise and other parts of the services sector will be under more pressure. The ability to draw on AOD's experience will be lost forever. It's all short-sighted and will cost governments in the end anyway without any addicts experiencing recovery.

I spoke to the Hon. Dean Brown in relation to this motion because he clearly had a lot to do with the initial funding provided and for the provision of a Housing Trust property. He still feels as strongly today that DrugBeat was and is a worthwhile program and should be proud of what has been achieved. As well as recognising the personal commitment of the Hon. Ms Bressington in helping people to overcome addiction, Dean believes it is important to place on the record that this program was a trailblazer in being one of the first, if not the first, to recognise the contribution of social and family supports to success.

Dean has been extensively involved with youth mental health advisory bodies, and he pointed out that many programs prior to DrugBeat failed because they only looked at the medical or physical components in trying to break addiction. There is no doubt that the mover of this motion has a great deal of experience working with addicts and that her personal commitment to helping people is unlikely to ever be matched by another parliamentarian. DrugBeat has many supporters; it is embedded in the community and those people who have been helped by it have come through to help others. I commend this motion to the house.

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

PASTORAL LEASE RENTS

Adjourned debate on motion of Hon. J.M.A. Lensink:

That this council—

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

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

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

(Continued from 28 March 2012.)

The Hon. G.A. KANDELAARS (17:25): It will be no surprise to you that the government opposes this motion. The annual rent for pastoral leases is determined by the Valuer-General, and not by the Pastoral Board, in accordance with section 23 of the Pastoral Land Management and Conservation Act 1989. It is the role of the Valuer-General to determine and provide to the board the unimproved value, the rate of return and the rent for each pastoral lease, of which there are 225. Seven properties had rents increased by an amount greater than 100 per cent.

The increase in rent between 2005 and 2009 of approximately 12 per cent (a very modest figure) reflected the Valuer-General's reluctance to increase the costs to pastoralists at a time when extreme drought conditions and poor commodity prices were impacting on the viability of the pastoral industry despite a rising market for pastoral properties. Given the statutory independence of the Valuer-General, the minister has no discretion to direct him in relation to any of the valuation decisions. Increases in rent for the current financial year are the result of both positive market movement over an extended period in land value and a realignment of rents within the market.

The act also contains a provision for lessees to appeal against the Valuer-General's rental determination should they disagree with the rental amount. In those instances where lessees object to their rental amount and remain dissatisfied with the Valuer-General's decision, they can exercise a further right to have an independent valuation review or appeal to the Land and Valuation Court. In addition to this process, the act also provides a remedy for lessees suffering financial hardship by enabling them to apply to the Pastoral Board for their rental amount to be deferred or waivered.

I can advise that extensive consultation has been undertaken by representatives of the Valuer-General in determining the annual rent and included: on-site meetings with several pastoralists; distribution of information articles, including frequently asked questions sheets provided with rent notices; meetings held with the South Australian Farmers Federation and the Pastoral Board; and courtesy letters sent to pastoralists affected by valuation increases greater than 40 per cent, including an invitation to meet with the valuers who determined the rent by providing direct contact details. The government acknowledges the important contribution of the South Australian pastoral sector to primary production in this state.

The Hon. M. PARNELL (17:29): Like the Hon. Gerry Kandelaars, the Greens believe that one out of three ain't bad, as the saying goes. We note the important contribution of South Australia's pastoral sector to primary production, which is the third part of the Hon. Michelle Lensink's motion.

In relation to the other two parts, first of all, calling on the Pastoral Board to reform the rent review committee and, secondly, condemning the Weatherill government for failing to consult, I think they are misguided and they do not warrant support. As the Hon. Gerry Kandelaars pointed out, under the Pastoral Land Management and Conservation Act 1989, rents payable to the Crown under a pastoral lease are determined by the Valuer-General.

The legislation sets out in some detail the range of things to be taken into account in the setting of the rent. I do not know enough about the system to know whether it is a perfect system. Certainly the list of factors would appear to be comprehensive, but I understand that there is also an argument for having less detail in the legislation and giving more discretion to the Valuer-General, but that is really a question for another day.

The question that this motion calls us to consider is whether the Pastoral Board should be playing more of a role rather than the Valuer-General. My response to that would be, if that is what the honourable member wants to do, then a bill to amend the Pastoral Land Management and Conservation Act would be the appropriate way of achieving that outcome because the act is pretty clear: rents are determined by the Valuer-General.

As the Hon. Gerry Kandelaars pointed out, for people who are dissatisfied with the rent determinations that are made, there is a provision under section 56 of the act to appeal. Section 56(1) provides:

> A lessee who is dissatisfied with a determination by the Valuer-General of the annual rent for his or her pastoral lease may, within 3 months of receiving a copy of the notice of determination—
>
> (a) apply to the Valuer-General for review of the determination; or
>
> (b) appeal to the Land and Valuation Court against the determination.

I do not know whether any of the constituents who have approached the opposition and convinced them that this motion is necessary have gone down those paths. No doubt, in her summing up, the honourable member will tell us whether that is the case, but it was not clear from her introductory speech when the motion was first put before us.

I also notice that, under the Pastoral Land Management and Conservation Act, as well as the formal applying for a review or going to court, there is also a less formal approach for people who are dissatisfied with their pastoral lease rent under section 56(1a) which provides:

> The Valuer-General must, on the written request of a lessee who dissatisfied with a determination of annual rent, endeavour to resolve the matter informally by conferring with the lessee, whether or not the lessee has lodged an application for review under subsection (1).

It seems that you have three bites of the cherry if you are a lessee. One, you can go and talk to the Valuer-General; two, if you are still not happy, you can put in a formal request for a review by the Valuer-General; and, three, if you are not happy with any of that you can go to court. There are plenty of opportunities for people who are dissatisfied with their rent to go through those channels and have their rent reviewed.

In terms of some of the rationale for this motion that the Hon. Michelle Lensink put on the record last time, it is certainly my understanding from a reading of section 23 that all those things would be taken into account. If they are not taken into account, then there may well be room for some sort of either greater or lesser legislative direction which would come about via an amendment to the Pastoral Land Management and Conservation Act. I do not believe that calling on the Pastoral Board to reform their rent review committee is necessarily the most constructive way to proceed.

In terms of the second part of the motion, condemning the Weatherill Labor government for once again failing to consult with those affected, normally I would be the first to line up behind a statement such as that. However, I am not convinced in terms of the regime for pastoral rent assessment whether that is a valid criticism, given, as I have said, that it is the Valuer-General and there are review mechanisms for anyone who is dissatisfied with the rent that they have been charged. I note also that rent payable on pastoral leases is different from a lot of other rent; it is payable in arrears. The Valuer-General is well aware at the time that the rent is set as to the current condition, the carrying capacity of the land and any other factors that need to be taken into account.

For those reasons, the Greens will not be supporting this motion today, although we do support the third part of it because we note the important contribution that South Australia's pastoral sector plays in relation to primary production in this state.

The Hon. J.M.A. LENSINK (17:34): I thank the Hon. Gerry Kandelaars and the Hon. Mark Parnell for their contributions on this motion, which is very much a reaction in the pastoral region (as I said in my speech of 28 March) whereby the pastoralists feel like this was sprung upon them and they have not been given appropriate time to absorb the consequences of it.

I think they feel they are being used just to raise revenue for the government; and really it is the matter of the unimproved capital value that the government is basing it on that I think is the real issue. The rationale for the valuation that the government has applied is really the nub of what we are trying to get at; and the member for Stuart, as I mentioned, has an FOI in because he is trying to get to the bottom of why that decision was reached.

The pastoralists feel, too, that they may well be picked off one by one. They are looking for a unified approach to this problem, and that is why they suggested they would like to see the reformation of the Rent Review Committee, and that, at least, would give them some comfort that there was an avenue of appeal.

In response to the Hon. Mark Parnell's suggestion that we do a private member's bill, I think that really has Buckley's chance of getting through here, and it is something that would need to be the product of a review—either by one of the parliamentary committees or by the government itself—if the background information was to be provided to support that. I would suggest that it is probably a bridge too far to come up with a private member's bill on this motion.

It is really an expression of concern for the pastoral sector. They have had a lot of floods up north which have impacted on their ability to get their product to market. While it is true that the drought has broken, they are still not getting the sort of returns that I think the increase in the rents is indicating. I think that they are really looking for some form of fairness. That is why I put this motion forward—to indicate that there is some support for the situation they find themselves in and to give them some hope that the Legislative Council, at least, is listening to their concerns. I commend the motion to the house.

The council divided on the motion:

AYES (10)

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

NOES (9)

Finnigan, B.V.	Franks, T.A.	Gago, G.E. (teller)
Gazzola, J.M.	Hunter, I.K.	Kandelaars, G.A.

NOES (9)

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

PAIRS (2)

Ridgway, D.W. Zollo, C.

Majority of 1 for the ayes.

Motion thus carried.

CHILDREN'S PROTECTION (LAWFUL SURRENDER OF NEWBORN CHILD) AMENDMENT BILL

In committee.

Clause 1.

The Hon. D.G.E. HOOD: I just want to make a brief contribution on clause 1. Members will be aware that this bill is a reinstated bill by the Hon. Ms Bressington. I gave a substantial second reading contribution when the bill was originally introduced back in April of last year, so I will not rehash all of that, but I will make a few brief comments. It will surprise no-one in this chamber that Family First strongly supports this bill. We commend the Hon. Ms Bressington for reintroducing it; of course, it did drop off in the prorogue. As I said, I made a substantial contribution then. Indeed, I have personally introduced bills in this chamber in the past to protect both infants and the unborn, and I will continue to do so.

Essentially, this bill seeks to make it less onerous and, indeed, lawful for a young woman in trouble to be able to surrender her baby so that baby can be cared for and not harmed. As I said, that is something Family First strongly supports. It goes to the heart of what we are about, and we wholeheartedly commend the Hon. Ms Bressington for introducing it.

The Hon. S.G. WADE: This is an unusual clause 1 because this is the restored bill, so the committee is facing a bill under significantly changed circumstances. I just want to address a couple of points in relation to what has happened since this bill was last considered by this committee so that people may better understand the position the Liberal Party will be taking on it.

Members will well recall that on 23 November 2011 the Hon. Terry Stephens addressed this bill on behalf of the Liberal Party. At that stage, we were only prepared to support the second reading of the bill, as the Victorian government was at that stage undertaking research on behalf of the Community and Disability Services Ministerial Council to identify options available to respond to the issue of abandoned and relinquished babies.

Liberal governments in New South Wales and Victoria have previously made comments indicating their interest in pursuing legislation such as this. Since the bill was last considered by the house, there have been two significant research developments; the first has been in relation to the ministerial council work that I referred to. A research paper has been prepared by the Victorian government and submitted to that ministerial council. The paper includes a literature review and an analysis of the current approach to child abandonment and provides some analysis of responses such as baby safe havens.

I understand that, while the paper concludes that child abandonment and neonaticide do not decline through the introduction of baby safe havens, it recognises that some children were abandoned safely and without harm. The fact that that is an outcome may not have been the case without the existence of legislation such as this. The baby safe haven can be seen to provide an option for some mothers in a time of great need. In addition, these children do often find permanent homes with adoptive families.

The second piece of significant research that has become available since the council last considered this bill is in relation to the work of Dr Lorana Bartels. It was my privilege last year to meet with Dr Lorana Bartels, a criminologist from the University of Canberra. At that meeting we did discuss a range of issues, including baby safe havens. Since we met, Dr Bartels has prepared a paper for the 24th Australian and New Zealand Society of Criminology Conference in Geelong. I understand that that paper has been published in the *Criminal Law Journal* (volume 36, page 19,

2012). Dr Bartels' article spends a significant amount of its time considering specifically the bill that the Hon. Ann Bressington has submitted to this house. In that paper, she concludes:

> The options discussed will never eliminate all instances of baby abandonment/neonaticide, and there are practical and theoretical problems associated with the introduction and use of such measures internationally. Any model will also need to be appropriately publicised if it is to have any effect, and data on its operation need to be maintained in order to determine the effect, if not the effectiveness, of the initiative. The model should also provide counselling to women experiencing unwanted pregnancies...

Later in the paper, it continues:

> Within this context, however, it is suggested that safe haven laws, baby hatches and/or anonymous birth may serve to empower women who find themselves dealing with an unwanted pregnancy. They may also, if carefully implemented and audited, have a beneficial, albeit probably limited, impact on the Australian child welfare and criminal justice landscape.

On the basis of this evidence and our analysis of the bill since the time the house last considered it, the Liberal Party will be supporting the bill and commends the honourable member for bringing it forward.

The Hon. T.J. STEPHENS: As the Hon. Stephen Wade said, I handled this for the Liberal Party prior to it dropping off the *Notice Paper*. I thank him for his contribution; I know that he is more than capable of handling it on our behalf. I want to take this opportunity to thank the Hon. Ann Bressington for bringing this to the parliament. I would like to commend the work of John Gardner, the member for Morialta, our shadow on this issue. I had a number of discussions with the member for Morialta and I am pleased that he did extremely good work in ensuring that our position was to support the Hon. Ann Bressington.

This could certainly be a difficult decision for some people to make. I, for one, could not understand what would be going through the mind of a woman who was in this situation. This will give somebody the option of safely looking after a newborn child, rather than the disastrous alternative we saw some time ago where a newborn child, sadly, was found, I think in a dumpster near the TAFE building in Adelaide. That one circumstance alone helped me, in my conscience, pursue this issue. Again, thanks to those involved; I congratulate the Hon. Ann Bressington for bringing this to the house and I urge members to support it.

The Hon. K.L. VINCENT: I would like to very briefly place on the record my strong support for this bill. The Hon. Mr Wade has talked about the fact that baby safe havens, if implemented, would probably be somewhat limited in their use. It does not strike me as terribly important how much these measures would be used because, at the end of the day, they are just one more option for would-be parents and families to consider when considering this very important issue of childhood and parenthood.

I can recall being somewhat distressed, when we first discussed this bill, at the contributions of some members who seemed to suggest that we either prevent parents from giving up their children at all or we have baby safe havens. I certainly believe that we can do both and that we as a society and, indeed, a parliament, have a duty to ensure that all viable and respectful options are available to those who need them and that those options are enshrined and protected in law. To that extent, I strongly support this bill and thank the Hon. Ms Bressington for her work on this.

Clause passed.

Remaining clauses (2 to 4) and title passed.

Bill reported without amendment.

The Hon. A. BRESSINGTON (17:54): I move:

> That this bill be now read a third time.

Bill read a third time and passed.

STATUTES AMENDMENT (NATIONAL ENERGY RETAIL LAW IMPLEMENTATION) BILL

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for Tourism, Minister for the Status of Women) (17:56): I move:

> That a message be sent to the House of Assembly granting a conference, as requested by that house; that the time and place for holding it be the Plaza Room on the first floor of the Legislative Council at 4pm on

Thursday 12 July 2012; and that the Hon. G.A. Kandelaars, the Hon. M.C. Parnell, the Hon. D.W. Ridgway, the Hon. T.J. Stephens and the mover be the managers on the part of this council.

Motion carried.

AQUACULTURE (MISCELLANEOUS) AMENDMENT BILL

The House of Assembly agreed to the bill with the amendment indicated by the following schedule, to which amendment the House of Assembly desires the concurrence of the Legislative Council:

No. 1—Insert new clause on page 25, after line 23

44—Amendment of section 79—Aquaculture Fund

(1) Section 79(1)—Delete 'Resource Management'

(2) Section 79(3)(c)—After 'paid to' insert 'or recovered by'

(3) Section 79(4)—After paragraph (a) insert:

(ab) for the purposes of research or development relating to the aquaculture industry; or

(ac) for the purposes of taking action to remove or recover aquaculture equipment or stock, or equipment used to mark-off or indicate the boundaries of a marked-off area of a lease, in accordance with this Act; or

GRAFFITI CONTROL (MISCELLANEOUS) AMENDMENT BILL

The House of Assembly disagreed to amendments Nos 1 to 12 made by the Legislative Council.

STATUTES AMENDMENT AND REPEAL (BUDGET 2012) BILL

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

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for Tourism, Minister for the Status of Women) (18:01): I move:

That this bill be now read a second time.

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

Leave granted.

This Bill introduces legislative amendments required to implement budget measures that have been announced as part of the 2012-13 Budget.

This Bill amends the *Education Act 1972*, *Electricity Corporations Act 1994*, *Electricity Corporations (Restructuring and Disposal) Act 1999*, *First Home Owner Grant Act 2000*, *Highways Act 1926*, *Livestock Act 1997*, *Local Government Act 1999*, *Parliament (Joint Services) Act 1985*, *Payroll Tax Act 2009*, *Public Finance and Audit Act 1987*, *Public Sector Act 2009*, *Residential Tenancies Act 1995*, *Stamp Duties Act 1923*, *Summary Procedure Act 1921* and repeals the *State Bank of South Australia Act 1983*.

This Bill amends the *First Home Owner Grant Act 2000* to remove the phase out of the bonus grant from 1 July 2012. In the 2011-2012 Budget, the Government announced that the bonus grant would be reduced to $4,000 from 1 July 2012 and be fully abolished from 1 July 2013.

The first home bonus grant was announced in the 2008-09 Budget and under current arrangements, eligible first home owners who purchase or build a newly constructed home valued up to $400,000 receive a grant of $8,000. The bonus grant phases out for newly constructed homes valued between $400,000 and $450,000. This grant is in addition to the $7,000 First Home Owners Grant.

To provide support to the housing market given current property market conditions, the Government has decided to continue its current level of assistance for first home buyers in 2012-13. The first home bonus grant will remain at $8,000 for eligible transactions entered into between 1 July 2012 and 30 June 2013. This is estimated to benefit 1,000 home buyers in 2012-2013.

To support the government's objective of creating a vibrant city for people to live and work in and to encourage higher density inner-city living in line with the government's 30-Year Plan, this Bill amends the *Stamp Duties Act 1923* to introduce a stamp duty concession that will apply for the next four years for purchases of off-the-plan apartments in the Adelaide City Council area and certain areas within Bowden and Gilberton.

The concession will provide a full stamp duty concession for the first two years (capped at stamp duty payable on a $500,000 apartment) and a partial concession for the second two years.

A full stamp duty exemption will be available for all apartments purchased off-the-plan with a market value of $500,000 or less, where the contract is entered into between 31 May 2012 and 30 June 2014 inclusive, saving eligible purchasers up to $21,330. Where an eligible apartment has a market value greater than $500,000, the purchaser will be entitled to a stamp duty concession of $21,330.

For eligible off-the-plan apartment purchase contracts with a market value of $500,000 or less entered into from 1 July 2014 to 30 June 2016, stamp duty will be payable only on the deemed unimproved value of the apartment and the value of any construction already undertaken and not the full market value of the apartment. Purchasers of eligible apartments where no construction has commenced will therefore pay a level of duty broadly in line with duty paid by purchasers of house and land packages. This concession will save purchasers of eligible off-the-plan apartments up to $15,500.

The Bill sets the deemed unimproved value of an apartment at 35 per cent of the market value of the apartment (at contract signing), and the value of construction will reflect the nature of works already performed. The Bill provides for 6 stages of construction of a multi-storey residential development or substantial refurbishment and the Commissioner of State Taxation will liaise with industry representatives to provide appropriate information about those stages in a Gazettal notice prior to 1 July 2014.

Where a contract is entered into from 1 July 2014 to 30 June 2016 to purchase an off-the-plan apartment with a market value greater than $500,000, the purchaser will be entitled to a stamp duty concession of up to $15,500 (adjusted for construction works completed prior to the date the contract is signed). In effect, a purchaser of an eligible apartment with a market value over $500,000 will receive the same concession in dollar terms as a purchaser of a $500,000 apartment at the same stage of construction of the apartment building.

The off-the-plan stamp duty concession will replace the existing inner city rebate administrative scheme which provides a $1,500 rebate to purchasers of new apartments in the city centre.

The Bill also provides an exemption from stamp duty for a conveyance of a carbon right created under an Act of the Commonwealth or a conveyance of a renewable energy certificate created under the *Renewable Energy (Electricity) Act 2000* of the Commonwealth. The Government has previously given an undertaking to the Commonwealth Government that carbon rights would not be dutiable under the *Stamp Duties Act 1923*. With the deferral of the abolition of stamp duty on non-real property transfers until budget circumstances allow, and to avoid any uncertainty in relation to the duty implications arising upon the transfer of these instruments, it is considered appropriate that a specific exemption be included in the *Stamp Duties Act 1923* for these rights.

This Bill amends the *Electricity Corporations Act 1994* and the *Electricity Corporations (Restructuring and Disposal) Act* to allow RESI Corporation (RESI) to finish its operations and to put in place a scheme to enable the dissolution of RESI in an orderly fashion.

ETSA Corporation, established under the *Electricity Corporations Act 1994*, changed its name to RESI Corporation (RESI) in January 2000 under section 8 of the *Statutes Amendment (Electricity) Act 1999*.

RESI's principal activity is the litigation of a number of matters initiated by former employees of ETSA or contractors who worked at ETSA sites. The plaintiffs' claims are usually for compensation for 'breach of duty and care' going as far back as the early 1950's. The litigation process is complex and it is funded from RESI's own resources originally allocated when it was established in 2000 and supplemented when required through the budgetary process.

Due to the falling numbers in asbestos claims and the reduction in volume in the remainder of RESI's operations, including placement requests from employees returning to the public sector from the private sector, it has become inefficient to continue to run RESI as a separate entity.

SAFA and an administrative unit of the Public Service that is primarily responsible for assisting the Treasurer in the performance of his Ministerial functions and responsibilities are to take on the residual activities of RESI following its dissolution.

RESI will stop its operations at the earliest opportunity but, in order to be in a position to transfer assets and liabilities at an appropriate time and to manage reporting requirements, the start and operation of the various provisions will be controlled by one or more proclamations until financial statements and reporting has been completed by the RESI Board and so as to ensure that RESI has zero balances when it is dissolved.

This Bill introduces a public sector skills and experience retention entitlement to apply to public sector employees who have completed 15 or more years of effective service and who are employed under the *Education Act 1972*, *Public Sector Act 2009* or *Parliament (Joint Services) Act 1985*, or who are subject to the long service leave entitlements under the *Public Sector Act 2009*.

The new public sector skills and experience retention entitlement is based on completed months of service and will be phased in with up to two working days entitlement in 2012-13, up to three working days entitlement in 2013-14, and then fixed at a maximum of four working days entitlement from 2014-15 onwards. There is a transitional entitlement of up to two working days in relation to 2011-12 provided the person was employed as at 1 July 2012. The entitlement will accrue on a monthly basis and will be pro-rata for part-time employees.

A public sector skills and experience retention entitlement may be taken, depending on the amount accrued, as one or more whole working days of leave and must be taken within 5 years from the end of the financial year in which it accrued, otherwise it will lapse.

An entitlement accrued during a particular financial year may, at the end of that financial year, be converted at the election of an employee to a monetary amount to be fixed by the regulations in accordance with a scheme prescribed by the regulations.

The annual cash payment will be fixed at $180 per full day of leave accrued during the 2012-13 financial year. The per day cash payment will be indexed in accordance with the consumer price index for each subsequent financial year.

The public sector skills and experience retention entitlement will apply to about 26,000 public sector employees with 15 or more years of effective service. An employee can only be entitled to one form of retention leave and this leave will not apply to SAPOL employees who benefit from the Retaining Police Knowledge and Experience entitlement established in the *South Australian Police Enterprise Agreement 2011*.

Administrative arrangements to implement this entitlement will need to be put in place during 2012-13. While this will limit employees being able to take this entitlement as leave during 2012-13, employees will not be disadvantaged. At the end of 2012-13, employees will be able to elect to convert their accrued entitlement for both 2011-12 and 2012-13 to a cash payment and any entitlement retained as leave will not expire before 1 July 2018.

Regulations will extend the public sector skills and experience retention entitlement to prescribed employees under the *TAFE SA Act 2012*, which is currently before the Parliament.

This Bill repeals the *State Bank of South Australia Act 1983* and makes related amendments to the *Public Finance and Audit Act 1987*, to allow South Australian Asset Management Corporation (SAAMC) to wind up its operations and to provide for other matters relevant to the final dissolution process.

Since its establishment in 1994, SAAMC has:

- Sold all its assets at no less that their value as recorded in SAAMC's balance sheet
- Extinguished all its outstanding liabilities except for $2.5 million of unclaimed customer deposits, some of them dating back to the late 1800's
- Completed all the outstanding SAAMC litigation
- Recovered and repaid the State about a third of the indemnity paid to the State Bank of South Australia
- Wound up all of its subsidiaries
- Except for two part time employees who will resign when SAAMC is wound up, retrenched or offered retirement packages to all of its employees with all their entitlements paid.

SAAMC has now met all the objectives of its Act and the dissolution will close down the operations of SAAMC with any contingencies in either assets or liabilities being transferred to the Treasurer or, if appropriate, another State entity.

This Bill amends the *Highways Act 1926* and *Local Government Act 1999* to allow for commercial activities on specified roads.

The *Highways Act 1926* gives the Commissioner of Highways general powers, subject to the approval of the Minister for Transport and Infrastructure, to purchase or acquire land for road works, or obtain land for any purpose under the Act associated with road works. When road works are finished, the land acquired by the Commissioner becomes a public road and the ownership of the road transfers from the Commissioner to the relevant Council.

Although the Commissioner is permitted to generate income from land that has been acquired for the purposes of section 20 of the Act until the land is required for road works, for example, rental income from existing properties on the land, he does not have the ability to put in place opportunities of a longer term nature, because land that is no longer required for road works must be disposed of (usually by sale).

The amendments will vest certain existing and future roads in the Commissioner of Highways rather than allowing them to vest in the relevant Council upon the completion of the roadworks. They will also enable the Commissioner, subject to the approval of the Minister, to retain land that is no longer required for roadwork, for purposes related to roads or transport needs. This will give the Commissioner similar powers to those that Councils already have.

Existing roads that will vest in the Commissioner are the South Eastern Freeway, and the Port River, Southern and Northern Expressways. Future roads, to be identified by regulation, will also be major controlled access arterial roads like these expressways. In these cases, the land that will vest in the Commissioner will be land that has been acquired for the purpose of making the road, land that was already road (and was therefore vested in the relevant Council) or land that was already Crown land. These are roads where the Commissioner has, or is intended to have, responsibility for maintenance of all of the road corridor.

This will enable the Commissioner, with the approval of the Minister for Transport and Infrastructure, to enter into commercial contracts for activities on the roads vested in the Commissioner, and to lease land that is no longer required for roadworks to enable facilities such as service centres for motorists to be built alongside the road.

The revenue from any commercial activities will be paid into the Highways Fund and it is intended that it be used to fund additional road maintenance. Other States already have such powers, including New South Wales and Victoria.

Freeways and expressways experience high volumes of traffic and are therefore suited to commercial activities such as service centres and advertising. It is anticipated that commercial activities will be placed strategically at high exposure sites and planned to ensure that road safety is not compromised. It is initially proposed to raise revenue from leasing land for service centres and selling advertising space. Future revenue opportunities could include mobile phone towers and underground fibre optic services (in conduits alongside the road). Any developments that are made possible by these amendments will require development approval.

An amendment to the definition of roadwork will clarify that the Commissioner has the power to construct parking facilities for the benefit of commuters, and other amendments ensure that the land that vests in the Commissioner can be used for these purposes.

The Bill amends the *Payroll Tax Act 2009* to remove the current payroll tax exemption for apprentices and trainees. From 1 July 2012, the existing payroll tax exemption for the wages of eligible trainees and apprentices will be abolished and replaced with a grant scheme administered by the Department of Further Education, Employment, Science and Technology (DFEEST). These grants are intended to ensure that the government's assistance is targeted to training areas most in need.

Registered training organisations will be assisted through grants to support the training of apprentices and trainees. This approach recognises the higher completion rates that group training organisations achieve and the key support they provide to small and medium enterprises, to which they hire apprentices and trainees. Other organisations that employ apprentices and trainees who complete their training in a priority skill area, will receive a completion bonus.

This Bill amends the *Livestock Act 1997* to create a legislative framework to enable cost recovery of the animal health program.

The initiative was included in the 2010-11 Budget and has been delayed to enable industry consultation. Further engagement with industry on animal health cost recovery is occurring and this amendment will allow for implementation of the results of this process.

With effect from 1 January 2013, there will be a one-off Water Security Rebate provided to SA Water's residential drinking water customers, in recognition of the water price increases for 2012-13. This Bill amends the *Residential Tenancies Act 1995*, to require a landlord to pass on the Water Security Rebate to a tenant, where the landlord recovers all or some of the SA Water bill for drinking water from a tenant.

This Bill amends the *Summary Procedure Act 1921* so that costs will not be awarded against any party to proceedings for an indictable offence, unless the Court is satisfied that the party has unreasonably obstructed the proceedings or if proceedings are delayed through the neglect or incompetence of a legal practitioner or a prosecutor who is not a legal practitioner. The amendment brings the Magistrates Court in to line with the superior courts where there are no costs awarded on an indictable offence.

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

This clause is formal.

2—Commencement

This clause provides for commencement of the measure. The provisions will commence on a day or days to be fixed by proclamation apart from Parts 2, 3, 7, 8 and 9 and clause 36 (which will be taken to have commenced on 1 July 2012) and clause 35 (which will be taken to have commenced on 31 May 2012).

3—Amendment provisions

This clause is formal.

Part 2—Amendment of *Education Act 1972*

4—Amendment of section 19—Long service leave and retention entitlement

These amendments will provide for a form of leave to be known as *skills and experience retention leave*. The leave will accrue as follows:

(a) for each month of effective service completed during the 2012/2013 financial year—⅙ working days leave;

(b) for each month of effective service completed during the 2013/2014 financial year—¼ working days leave;

(c) for each month of effective service completed on or after 1 July 2014—⅓ working days leave.

It will be possible to convert skills and experience retention leave accrued over the course of a financial year to a monetary amount fixed by the regulations in accordance with a scheme prescribed by the regulations.

This form of leave will be required to be taken as 1 or more whole working days. Leave not taken within 5 years after the end of the financial year in which it accrues will be lost (and no monetary equivalent will be payable).

5—Amendment of section 20—Taking of leave

This is a consequential amendment.

6—Transitional provisions

An officer who has, or attains, at least 15 years of effective service during the 2011/2012 financial year and who is an officer on 1 July 2012 will qualify for an additional entitlement equal to ⅙ working days for each month of effective service completed during that financial year (for the period for which the officer is a long-term employee). It will be possible for the Governor to make other transitional or ancillary provisions that may be necessary or expedient in connection with the provision of an entitlement to skills and experience retention leave.

Part 3—Amendment of *Electricity Corporations Act 1994*

Division 1—Amendment of Act

7—Amendment of section 4—Interpretation

These are consequential amendments.

8—Repeal of Part 2

The Part of the Act providing for the continuation and activities of RESI Corporation is to be repealed.

9—Amendment of section 34—Establishment of corporation

This is a consequential amendment.

Division 2—Transitional provisions

10—Interpretation

This clause sets out the definitions that are to be used for the purposes of the transitional provisions that are required in order to wind up the activities of RESI. It is important to note that the concept of a claim for workers compensation is to include any claim or action relating to personal injury, disease, other medical condition or death arising out of or in the course of the performance of work, or resulting in any other way from exposure to any material, substance, disease or conditions at a workplace.

11—Assets and liabilities of RESI

This clause will provide a mechanism for dealing with the assets and liabilities of RESI.

12—Redeployees

The Department will be required to assume responsibility for arranging for the redeployment of any person who, under the scheme established under the *Electricity Corporations (Restructuring and Disposal) Act 1999*, is to be employed in the public sector.

13—Related provisions

This clause sets out various provisions that are relevant to the transfer or vesting of assets or liabilities of RESI under this Bill.

Part 4—Amendment of *Electricity Corporations (Restructuring and Disposal) Act 1999*

14—Amendment of section 3—Interpretation

These are consequential amendments.

Part 5—Amendment of *First Home Owner Grant Act 2000*

15—Amendment of section 18BA—Bonus grant for transactions on or after 17 September 2010 but before 1 July 2013

Under section 18BA, the amount of a first home owner grant can be increased by an additional payment (a *first home bonus grant*) if various requirements are satisfied. Currently, the bonus grant under section 18BA is payable in relation to eligible transactions that commence before 1 July 2012. Under the section as proposed to be amended by this clause, the first home bonus grant will be payable in relation to eligible transactions that commence on or before 1 July 2013.

If an eligible transaction is a contract for an 'off-the-plan' purchase of a new home entered into on or after 1 July 2012, the bonus grant will be payable if the contract states that the eligible transaction is to be completed by 31 December 2014 or the transaction is completed on or before that date.

16—Repeal of section 18BAB

Section 18BAB, which provides for the payment of a reduced first home bonus grant in relation to eligible transactions that commence between 1 July 2012 and 30 June 2013, is repealed by this section.

17—Amendment of section 18BB—Market value of homes

18—Amendment of section 18C—Amount of grant must not exceed consideration

The amendments made by these clauses are consequential on the repeal of section 18BAB.

19—Transitional provision

This clause deals with the possibility that a person entitled to a first home bonus grant under section 18BA in relation to an eligible transaction that commences on or after 1 July 2012 may receive, before the Act is assented to by the Governor, either a grant under section 18BAB (which is to be repealed from 1 July 2012) or an ex gratia payment made by the State in contemplation of the amendments to section 18BA being taken to have come into operation on 1 July 2012. The amount of a person's entitlement under section 18BA as amended will be reduced by any amount received by the person under section 18BAB or as an ex gratia payment.

Part 6—Amendment of *Highways Act 1926*

20—Amendment of section 7—Interpretation

This clause makes a consequential amendment to the definition of *controlled access road* and amends the definition of *roadwork* to include the construction of buildings or facilities relating to public transport or parking for users of public transport.

21—Amendment of section 20—General powers of Commissioner

This clause makes a consequential amendment to section 20 to ensure that the *Development Act 1993* exemption that exists in relation to land acquired under the section doesn't extend to land to be used for the purposes of a lease or licence granted in respect of a road that vests, or land that remains vested, in the Commissioner under proposed section 21A.

22—Insertion of section 21A

This clause inserts a new section as follows:

21A—Certain roads and land vest in Commissioner

Proposed section 21A allows for the vesting of roads, or parts of roads, in the Commissioner by regulation (where the Commissioner has, after commencement, carried out roadworks on a road) and the vesting of the whole or parts of the South Eastern Freeway, the Port River Expressway and Salisbury Highway, the Southern Expressway and the Northern Expressway by proclamation. A regulation or proclamation may define the extent to which land or structures on land vest in the Commissioner (and may do so by reference to a plan deposited or filed in the Lands Titles Registration Office or by any other method of description).

The provision further provides that where the Commissioner has, after commencement, determined that land vested in the Commissioner is not required for the purposes of present or future roadwork or any other purposes connected with this Act, the Commissioner may, subject to the approval of the Minister, determine not to dispose of the land if the Commissioner is satisfied that the land may be required in the future for purposes related to roads or transport needs.

23—Amendment of section 26—Powers of Commissioner to carry out roadwork etc

24—Amendment of section 26A—Powers of Commissioner in relation to trees etc on roads

25—Amendment of section 26B—Total or partial closure of roads to ensure safety or prevent damage

26—Amendment of section 26C—Certain road openings etc require Commissioner's concurrence

27—Amendment of section 27CA—Vesting of roads outside districts

Clauses 23 to 27 make minor consequential amendments.

28—Insertion of section 30AC

This clause inserts a new section as follows:

30AC—Certain roads taken to be controlled-access roads

This proposed section allows the regulations to specify that a road that is vested in the Commissioner by regulation under section 21A is a controlled-access road.

29—Amendment of section 30B—Provision for compensation

This clause is consequential (and ensures that the compensation provision applies in relation to roads that become controlled-access roads by virtue of section 30AC).

30—Insertion of section 42B

This clause inserts a new section as follows:

42B—Registrar-General to issue certificate of title

This proposed section provides for the issuing of certificates of title in respect of land that vests in the Commissioner.

Part 7—Amendment of *Livestock Act 1997*

31—Amendment of section 3—Interpretation—general

A pointer definition is included in relation to the proposed new fund.

32—Amendment of section 22—Application for registration and fees

Section 22 is amended so as to enable the fee for registration fixed or calculated in accordance with the regulations to include an amount for the costs of the programs and other matters for which the new fund may be applied.

33—Amendment of section 26A—Requirement for identification codes

Section 26A is amended so as to enable fees in relation to identification codes fixed or calculated in accordance with the regulations to include an amount for the costs of the programs and other matters for which the new fund may be applied.

34—Substitution of heading to Part 5 and insertion of Division 1 and heading to Division 2

These amendments establish the new fund, the *Livestock Health Programs Fund*. The Fund is to consist of—

- fees paid under Part 3 or Part 3A;
- money advanced to the Fund by the Treasurer from the Consolidated Account (which is appropriated to the necessary extent);
- money received from the Commonwealth or a State or a Territory of the Commonwealth for payment into the Fund;
- any other amounts of a kind prescribed by regulation;
- income from investment of money belonging to the Fund.

The Fund may be applied—

- in programs administered by the administrative unit of the Public Service that is, under the Minister, responsible for the administration of the *Livestock Act* for the purposes of—
    - certifying or demonstrating the disease free status of livestock for the purposes of markets outside the State; or
    - detection, reporting and investigation of diseases that may affect livestock; or
    - maintaining laboratory diagnostic capability in relation to diseases that may affect livestock and subsidising the cost of laboratory tests; or
    - consulting with livestock advisory groups, veterinary surgeons and other public sector agencies and interested persons in relation to detecting, controlling or eradicating diseases that may affect livestock; or
    - providing information and training in relation to detecting, controlling or eradicating diseases that may affect livestock to persons in the livestock industry, veterinary surgeons, employees in the administrative unit and other interested persons; or
    - participating in national bodies and programs relating to detecting, controlling or eradicating diseases that may affect livestock; or
    - otherwise ensuring that the administrative unit has the capacity to respond quickly and appropriately to any outbreak or suspected outbreak of a disease that may affect livestock and to coordinate the response with other agencies or instrumentalities of this State, the Commonwealth or another State or a Territory of the Commonwealth; or
- in the administration of the *Livestock Act*; or
- for other purposes prescribed by the *Livestock Regulations*; or
- in administering the Fund.

There is a requirement for management plans, consultation with industry advisory groups and inclusion of relevant information in the administrative unit's annual report.

Part 8—Amendment of *Local Government Act 1999*

35—Insertion of section 240A

This clause inserts a new section as follows (consequentially to the amendments proposed to the *Highways Act 1926*):

240A—Roads vested in Commissioner of Highways

A by-law made under the *Local Government Act 1999* does not apply to any act or omission specifically authorised under a lease or licence granted by the Commissioner in relation to a road vested in the Commissioner under the proposed amendments to the *Highways Act 1926*.

Part 9—Amendment of *Parliament (Joint Services) Act 1985*

36—Amendment of section 20—Long service leave and retention entitlement

These amendments will provide for the long service retention leave entitlement to apply to an officer under the Act. The scheme will be the same as that applying to other categories of employees under other related Acts to be amended by this measure.

37—Insertion of section 36

This is a consequential amendment.

38—Transitional provisions

This clause will provide for transitional and other provisions relating to the skills and experience retention leave entitlements of officers.

Part 10—Amendment of *Payroll Tax Act 2009*

39—Amendment of Schedule 2—South Australia specific provisions

This clause repeals Schedule 2 clause 10A, abolishing the exemption for wages paid to apprentices and trainees (as defined by that clause).

Part 11—Amendment of *Public Finance and Audit Act 1987*

40—Amendment of section 18—Financial arrangements

This is a consequential amendment.

Part 12—Amendment of *Public Sector Act 2009*

41—Amendment of Schedule 1—Leave and working arrangements

These amendments will provide for the skills and experience retention leave entitlement to apply to employees under the *Public Sector Act 2009*.

42—Transitional provisions

This clause will provide for transitional and other provisions relating to skills and experience retention leave entitlements.

Part 13—Amendment of *Residential Tenancies Act 1995*

43—Amendment of section 73—Rates, taxes and charges

This section is amended to require a landlord who receives the benefit of the water security rebate amount to ensure that the rebate is credited to any amount for rates and charges for water supply to be borne by tenants under an agreement under subsection (2) or under subsection (3)(b).

Part 14—Amendment of *Stamp Duties Act 1923*

44—Insertion of section 71DB

This clause establishes a scheme to provide for concessions with respect to stamp duty payable on conveyances that give effect to the purchase of apartments within the City of Adelaide and certain areas within Bowden and Gilberton under off-the-plan contracts.

The scheme will apply to contracts entered into between 31 May 2012 and 30 June 2016 (both dates inclusive). However, the amount of the concession will vary according to whether the contract is entered into by 30 June 2014 or between 1 July 2014 and 30 June 2016. The rate of the concession will also vary according to whether the market value of the apartment does not exceed $500,000, or exceeds $500,000. For the purposes of determining the market value of an apartment for the calculation and imposition of stamp duty on the conveyance, the date of the sale of the relevant property will be taken to be the date on which the relevant qualifying off-the-plan contract was entered into.

45—Amendment of Schedule 2—Stamp duties and exemptions

The following instruments are to be exempt from stamp duty:

(a) a conveyance of any carbon right created under an Act of the Commonwealth;

(b) a conveyance of a renewable energy certificate under the *Renewable Energy (Electricity) Act 2000* of the Commonwealth.

Part 15—Amendment of *Summary Procedure Act 1921*

46—Insertion of section 188A

This clause inserts a new section 188A as follows:

188A—Costs—indictable offences

Subject to sections 189A, 189B and 189D(1) and (2), the Court must not make an order for costs against any party in proceedings relating to a charge of an indictable offence.

47—Amendment of section 189—Costs generally

This amendment is consequential.

Part 16—Repeal of *State Bank of South Australia Act 1983*

Division 1—Repeal of Act

48—Repeal of *State Bank of South Australia Act 1983*

The *State Bank of South Australia Act 1983* is to be repealed.

Division 2—Transitional provisions

49—Interpretation

This clause sets out the definitions required for the purposes of the Division.

50—Vesting of assets and liabilities

This clause provides a specific power for assets or liabilities of the South Australian Asset Management Corporation to be vested in the Treasurer or another State entity.

51—Additional provisions

This clause provides that, on the repeal of the *State Bank of South Australia Act 1983*, any remaining assets or liabilities of SAAMC will vest in the Treasurer. The Governor will also be able to address any outstanding transitional or saving matters by proclamation.

52—Related provisions

This clause provides for some ancillary matters associated with the operation of the measure.

Debate adjourned on motion of Hon J.M.A. Lensink.

APPROPRIATION BILL 2012

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

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for Tourism, Minister for the Status of Women) (18:03): I move:

That this bill be now read a second time.

I take this opportunity to remind members that the Treasurer's budget speech was tabled in this house on budget day, 31 May, and I seek leave to have the explanation of clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

1—Short title

This clause is formal.

2—Commencement

This clause provides for the Bill to operate retrospectively to 1 July 2012. Until the Bill is passed, expenditure is financed from appropriation authority provided by the *Supply Act*.

3—Interpretation

This clause provides relevant definitions.

4—Issue and application of money

This clause provides for the issue and application of the sums shown in Schedule 1 to the Bill. Subsection (2) makes it clear that the appropriation authority provided by the *Supply Act* is superseded by this Bill.

5—Application of money if functions or duties of agency are transferred

This clause is designed to ensure that where Parliament has appropriated funds to an agency to enable it to carry out particular functions or duties and those functions or duties become the responsibility of another agency, the funds may be used by the responsible agency in accordance with Parliament's original intentions without further appropriation.

6—Expenditure from Hospitals Fund

This clause provides authority for the Treasurer to issue and apply money from the Hospitals Fund for the provision of facilities in public hospitals.

7—Additional appropriation under other Acts

This clause makes it clear that appropriation authority provided by this Bill is additional to authority provided in other Acts of Parliament, except, of course, in the *Supply Act*.

8—Overdraft limit

This sets a limit of $50 million on the amount which the Government may borrow by way of overdraft.

Schedule 1—Amounts proposed to be expended from the Consolidated Account during the financial year ending 30 June 2013

Debate adjourned on motion of Hon. J.M.A. Lensink.

At 18:04 the council adjourned until Thursday 28 June 2012 at 11:00.