LEGISLATIVE COUNCIL

Wednesday 18 July 2012

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

LEGISLATIVE REVIEW COMMITTEE

The Hon. G.A. KANDELAARS (14:19): I bring up the 12th report of the committee, on the Criminal Cases Review Commission Bill.

Report received and ordered to be published.

QUESTION TIME

REGIONAL AIRLINE SERVICES

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:23): I seek leave to make a brief explanation before asking the Minister for Tourism and Minister for Regional Development a question regarding tourism and regional development.

Leave granted.

The Hon. D.W. RIDGWAY: South Australia is an extraordinarily centralised state, with more than 70 per cent of South Australians living in greater metropolitan Adelaide. With one exception, the ALP does not hold one seat outside of metropolitan Adelaide; its commitment to regional development is zilch. Now comes the news that Australia's Regional Aviation Association is warning of country route closures due to three large cost increases. Carriers say they will be facing the carbon tax, security screening at some regional airports and the loss of a federal subsidy. The association says the higher costs will make some routes unsustainable, while adding about 10 per cent to many other fares. My questions to the minister are:

1. Do you agree that regional airlines play an integral part in the transport infrastructure in South Australia?

2. Do you agree that we need to keep, and even expand, the regional airline network and services?

3. What do you say in response to the Regional Aviation Association's assessment that 'If it's a small country town that doesn't dig something out of the ground, it is probably going to lose its regional airline 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) (14:24): I thank the honourable member for his most important questions. This government is very committed to our regional communities. We have invested a great deal in our regions and I have certainly spoken in this place before about the sort of extensive investments that we have made, and continue to make, in regional South Australia.

In relation to our airlines, I have said in this place before that our airlines operate in a very challenging environment at the moment. It is not just our large international carriers but it goes right through to the smaller airlines as well. Of course, here in South Australia we are particularly dependent on the smaller aircraft sector. We are a large state and a great deal of it is taken up by remote and outback areas. Farmers, pastoralists and other community members rely very heavily on small aircraft to access services and have services provided to them. It is also very important to our tourism industry.

I am aware that various articles have been written recently in the newspapers. Of course, we know that is where the Hon. David Ridgway gets his questions. He reads the newspaper just before question time and then comes in; so that is the level of research that the Hon. David Ridgway puts into his questions.

In recent years, the federal government has taken a number of steps to help strengthen aviation safety and the sector generally, particularly in regional Australia. Based on security intelligence and risk assessment, I am advised that it was determined that aircraft exceeding a certain weight (I think the measurement is in maximum take-off weights, MTOWs) could lead to numerous and various scenarios of potential damage and potential loss of life.

From 1 July 2012, the authority determined that aircraft over 20,000 kilograms MTOW would require security screening. One particular aircraft (the Fokker F50) presently operates under various charter arrangements to a range of South Australian locations. I understand that that aircraft does exceed that particular weight. I understand that several representations were made to the federal transport minister, Anthony Albanese, to exempt F50 aircrafts from security screening. I understand those delegations have been extremely successful.

I also wrote to the federal minister raising the issues of concern about the particular impact that changing the standard might have on the South Australian aviation industry. We then found out in late June 2012 that the federal government advised that screening requirements were being reduced to cover occasional tourist charters. I am advised that the federal government has deemed that the screening required for those will be at an absolute minimum and will comply if they use a particular handheld metal detection wand with which passengers and baggage can be scanned. I understand that the scanner is a very modest output, that it is not an extremely costly thing, and that it is very simple and quick to operate.

I think that it demonstrated the strength of those people who had delegations with the federal minister and, no doubt, my own correspondence urging the minister to consider some of these adverse impacts. I am very pleased that the federal government has decided to modify those changes and lessen the impact on this very important sector.

EMIRATES AIRLINES

The Hon. J.M.A. LENSINK (14:30): I seek leave to make a brief explanation before asking the Minister for Tourism questions on the subject of Emirates.

Leave granted.

The Hon. J.M.A. LENSINK: Yesterday, the minister had a question asked of her in relation to the airline announcement. My questions are:

1. What total funding is being provided for Emirates to come to South Australia, and how much of that came from the tourism budget?

2. What measures have been put in place to ensure that money is repaid to South Australians should Emirates renege on this deal?

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for Tourism, Minister for the Status of Women) (14:31): I thank the honourable member for her important questions. In terms of the funding, the honourable member has been in this place long enough to know and to understand that these matters involve commercially confidential information that, if divulged, could significantly disadvantage this state and end up costing this state significantly more funds in the future. So, obviously I am not prepared to disadvantage our taxpayers further by divulging commercially confidential information.

In terms of the sort of protections we have put in place, I would say that, in relation to Tiger, the Tiger situation related to an agreement to provide support to Tiger for an aircraft base over a term of several years. When Tiger closed that base after three years, clawback was then required, and this arrangement was, as I said yesterday, negotiated by the department of trade and economic development. That arrangement was completely unrelated to the Tiger support package for flights to Adelaide for which there was no dispute at all. I just wanted to set the record straight in relation to that.

Emirates is not a low-cost carrier, and it is structured in a very different way. It has a proven track record, and it is conservative in its analysis as to whether routes are viable. It has a massive capitalisation and growth strategy, and it is many, many times larger than Tiger. It is an international airline that operates in every major market in the world, and you cannot compare that with Tiger.

However, a number of conditions have been put in place to ensure that, if Emirates does not make good the terms of its contract, certain provisions will apply and certain moneys will need to be returned. So, very specific conditions are outlined in the contract to ensure that protections will occur. The protection for the state is twofold. The first is that clawback provisions will be automatic should Emirates not fulfil its obligations, and the second element of the protections that are in place is that benefits to the state from Emirates will be immediate and that any risk is limited to future loss rather than the present.

So, that is obviously in pure economic terms. Obviously, Emirates pay their way for as long as they operate in Adelaide and, if that doesn't work out, the loss is in terms of loss of economic benefits that we would suffer. As you can see, the scenario is completely different and we have put in place a number of protections to ensure that the conditions will be upheld.

DISABILITY REFORM

The Hon. S.G. WADE (14:35): I seek leave to make a brief explanation before asking the Minister for Disabilities a question relating to disability access and inclusion plans.

Leave granted.

The Hon. S.G. WADE: Yesterday, in answer to a question on access and inclusion plans, the minister said, and I quote, the access and inclusion plans:

> ...are not access and inclusion plans in relation to just disability issues: they are access and inclusion plans in relation to social inclusion key indicators generally, and that may go to issues for access and inclusion for members of the CALD community, the culturally and linguistically diverse community, in South Australia.

The Strong Voices report highlights other social issues, such as cultural challenges faced by Aboriginal people and culturally and linguistically diverse people, mental health, homelessness and social inclusion. In his answer yesterday, the minister committed to expand the role of the MDAC. My questions to the minister are:

1. Considering that Strong Voices called for independent monitoring, will he commit to an independent selection and appointment process to the Minister's Disability Advisory Council in light of its expanded role to provide monitoring, as anticipated by the Cappo report?

2. Given that access and inclusion plans are to go beyond disability, what is the minister doing to ensure that distinctive communities have a distinctive voice in the development of access and inclusion plans?

The Hon. I.K. HUNTER (Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (14:36): I thank the honourable member for his most important question. In response to his first question, the answer is no. In response to the second question, I say, 'Watch this space.'

LOXTON COMMUNITY HOTEL

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

Leave granted.

The Hon. CARMEL ZOLLO: In November last year, the minister advised the council that she had approved a grant from the Riverland Sustainable Futures Fund towards upgrading the Loxton Community Hotel's tourism accommodation and conference centre. Can the minister advise the chamber on how this important community project is progressing?

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 important question. The people of Loxton are justifiably proud of their community-owned hotel, which has been part of the local landscape since Loxton was first established early last century. The hotel has been a community-owned business since 1946 and is owned by approximately 1,000 shareholders, all of whom are local residents. I was very happy to approve a grant of $860,000 from the Riverland Sustainable Futures Fund to assist in the upgrade of the hotel, and we announced that commitment back in November 2011. The Riverland Sustainable Futures Fund was established to help the region attract further investment and encourage diversification of industry.

The major renovation currently underway at the Loxton Community Hotel is expected to boost the town's tourism capability and attract more conferences to the area. The Loxton hotel is matching the state government funding for the upgrade dollar for dollar under the conditions of the fund. While the existing accommodation includes 21 self-contained rooms in the main building, 30 motel-style units and a small function centre, the upgrade involves renovating the existing rooms to meet modern standards as well as a complete refurbishment of the function and conference centre.

This will support growth in the Riverland tourism sector and has created employment for local tradespeople who are assisting in carrying out those renovations. I have recently been provided with a progress report by the Loxton Community Hotel and the results are most impressive.

Much of the work is progressing ahead of schedule, including the major refit of the conference area, so full credit to the hotel management and the team of builders and project managers. They have done an excellent job. So far, 12 rooms have been renovated, with the remaining 18 to be completed before October. This major renovation project has already provided considerable extra employment for local builders and, I am told, has given the community a real sense of excitement. Indeed, when I visited the Riverland in May this year, I met the manager of the hotel, Karen Kilsby, and she was very happy with the progress to date and was looking forward to the new rooms coming online.

I understand that the RDA Murraylands and Riverland considers that the hotel is a significant contributor to the local economy. Certainly when I visited the hotel, it was a very bustling, busy place. The hotel provides a venue for social events, conferences and functions for local community groups and service clubs such as Rotary, Lions, Chamber of Commerce, Apex, Zonta and Probus. The revitalised conference centre will help the Loxton Community Hotel fill a gap in the region's existing small to medium hospitality and conference market, and it is expected that the completion of this project will help attract more conference customers to the hotel.

Tourism is obviously a very critical factor to the ongoing prosperity of the Riverland. It is one of the five identified pillars for a sustainable future in the Riverland Prospectus. In particular, the ability to provide accommodation for high-value tourists has been identified as one of the ways of helping improve economic investment and drive in the Riverland. Congratulations to the Loxton hotel project team for doing such a great job.

The PRESIDENT: The Hon. Mr Brokenshire has a supplementary deriving from the answer.

LOXTON COMMUNITY HOTEL

The Hon. R.L. BROKENSHIRE (14:41): Minister, as the intent of the scheme is to stimulate the Riverland region, is there a requirement for local building or can they apply anywhere for their builders?

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for Tourism, Minister for the Status of Women) (14:41): I thank the honourable member for his important question. Indeed, in our examination of project proposals, the number of jobs that a project generates and these sorts of economic activity such as employment prospects, subcontracting and the like are also considered at that time. Obviously, we do not put a stipulation in the criteria that all the work must be done by locals. That is not realistic; it would be reasonable to expect that some work would need to be brought in. However, project managers are encouraged to employ locals wherever they can and employ local tradespeople wherever they can and utilise local products as well. They are all matters that we encourage very much when we are considering the project proposals.

SHACK LEASES

The Hon. J.A. DARLEY (14:43): I seek leave to make a brief explanation before asking the Minister for Communities and Social Inclusion, representing the Minister for Sustainability, Environment and Conservation, questions with regard to shack rentals.

Leave granted.

The Hon. J.A. DARLEY: For over three years now, I have engaged in discussions with the minister for environment regarding the rents for shack sites situated on crown land. I acknowledge that the minister has taken the time to meet with me on a number of occasions and has organised meetings with the department to discuss the issue and in particular to discuss the rate of return used to calculate the rents.

The rate of return currently being used is 4 per cent and I have long argued and provided supporting evidence that a 2 per cent rate of return would be more appropriate. On 14 June this year, I attended another meeting with the minister where I was informed that the Premier had requested that the minister refer the matter on the rate of return to the Deputy Valuer-General for comment. My questions are:

1. Can the minister advise whether he has referred the matter to the Deputy Valuer-General? If not, can the minister advise when this is likely to happen?

2. If the matter has been referred to the Deputy Valuer-General, could the minister advise on what date this occurred and whether there has been a response?

The Hon. I.K. HUNTER (Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (14:44): I thank the honourable member for his most important question. In particular, in regard to the specific questions he has asked, I will take them to the Minister for Sustainability, Environment and Conservation in the other place and seek a response on his behalf.

I have some information that I may be able to share with the chamber if it is of interest to people. I understand that these conditions for non-transferable shack leases on crown land provide for the periodic revaluation of annual rent to be paid to the Crown for the right to occupy that land. Lease rentals have always been based, I am told, on the policy premise that the Crown should realise a fair return for the private exclusive use of its land assets. I do not think anyone here would argue with that.

An independent valuer provides a report on the values of individual shack sites and the rationale for the valuation. The valuer's report is then provided to the Valuer-General for review. The advice takes into account market evidence, such as the significant upward trend in the value of waterfront land, and some other things.

I am advised that lessees of shack sites on crown land at Fisherman Bay, Glenelg River and Milang were notified of new rents in December 2011. These rents were determined by applying a 4 per cent rate of return to the unimproved land value of the shack site. I am further advised that in the latest round of 88 shack revaluations, 19 are at Fisherman Bay, 46 are at Milang and 23 are at Glenelg River. The lease conditions also provide the opportunity for lessees to lodge an objection to the new rent within 28 days of being notified, and I understand that a number of objections to shack rental increases have been received. I am also advised that the department of environment and natural resources is conducting a review of those sites that are subject to an objection based on the supporting evidence provided by the lessees.

WORK HEALTH AND SAFETY COMMISSIONED RESEARCH GRANTS

The Hon. G.A. KANDELAARS (14:46): My question is to the Minister for Industrial Relations. Can the minister advise the house about the current round of work health and safety Commissioned Research Grants?

The Hon. R.P. WORTLEY (Minister for Industrial Relations, Minister for State/Local Government Relations) (14:46): I thank the member for his very important question and acknowledge the many years that the honourable member has represented his members' interests in regard to occupational health and safety. I am pleased to advise that the work health and safety Commissioned Research Grants program opened for applications on Monday 2 July 2012. This program, which is presented by the SafeWork SA Advisory Committee, is for those interested in conducting research to improve health and safety outcomes in South Australian workplaces.

To assist potential applicants in applying, SafeWork SA conducted the 2012 Work Health and Safety Annual Research Forum on Wednesday 11 July 2012 at Pavilion on the Park on South Terrace, Adelaide. This free forum assisted potential applicants in determining possible research topics by presenting information about the national research agenda and the SafeWork SA Advisory Committee's priority areas of research. Almost 80 people attended this valuable forum and networking opportunity, and were provided with details of the process to follow in applying for a Commissioned Research Grant. Attendees also had the opportunity to hear from previous successful applicants who had worked in the priority areas of youth safety, precarious work, psychosocial issues, best practice in inspectoral interventions, and work health and safety consultation.

Last year, the University of Adelaide was funded $41,842 over two years for a road safety research project. The project aims to make comparisons between road safety and occupational health and safety welfare practices by contrasting injury monitoring data, policy and legislative regimes and discussing the possible crossover of some of these principles. A workshop to discuss possibilities and benefits of adopting road safety interventions in occupational health and safety, with a particular emphasis on the new national compliance and enforcement policy, will also be arranged as the second stage to this project.

The work health and safety Commissioned Research Grants program closes on Friday 24 August 2012. Further details about the grants program are available on SafeWork SA's website. I note that the work health and safety Commissioned Research Grants program annual budget is $320,000.

PORT PIRIE BLOOD LEAD LEVELS

The Hon. T.A. FRANKS (14:49): I seek leave to make an explanation before addressing a question to the Minister for Industrial Relations, representing the Minister for Health and Ageing, on the topic of blood lead levels in Port Pirie.

Leave granted.

The Hon. T.A. FRANKS: While I am sure members do not need to be reminded about the serious health consequences of exposure to lead at a young age, for the record, adults who are exposed to high amounts of lead can experience anaemia, nervous system dysfunction, weakness, hypertension, kidney problems, fertility problems, increased levels of miscarriage, premature deliveries and low birth weight babies. Of course, children exposed to lead can face neurological impairment or delay, growth retardation and delayed sexual maturation as well. Lead can impair development even at blood levels below 10 micrograms per decilitre.

However, in December 2010 the government's tenby10 initiative came to an inauspicious end. That initiative, of course, sought to reduce the number of children with unacceptably high levels of lead in their bloodstream to less than 5 per cent of children under the age of four by the end of 2010. It did not reach that goal. At that point, more than one in four children in Port Pirie still had blood lead levels above that deemed safe by the WHO. In fact, while it was a decline from the previously shocking level of 51.7 per cent in 2005, it was still at 27.9 per cent at that point.

There is a rebadged website, Ten for them, which has come into existence since 2011, and there has been some very slow further progress. As of August 2011, the number of children with excessive blood lead levels remains still unacceptably high at 24.4 per cent. Today, of course, we see buried on page 13 of *The Advertiser* an article entitled 'Tough new green rules for smelter', which states that the EPA is set to announce new licence conditions to the Port Pirie lead smelter operator Nyrstar 'within weeks', and the company itself was saying that they were confident they could work within them.

Both government and industry have a role to play here, of course, and must be held accountable. If the government is serious about improving the health of Port Pirie's children, it must commit not only to a target but to a deadline for achieving that target. The people of Port Pirie should never have to choose between healthy children and jobs and prosperity for that city. My questions to the minister representing the Minister for Health and Ageing are:

1. Does the government stand by its previous tenby10 goal of reducing blood levels to less than 10 micrograms per decilitre of blood in 95 per cent of children aged under four? If so, by what deadline will it meet this goal?

2. When will this government prove that it is serious about preventing lead poisoning and damaging the health of both children and adults in Port Pirie by committing to an urgent and then annual report to be presented to this parliament on the progress to reduce the blood lead levels of children in Port Pirie?

3. With this urgent reporting, will it also include any information sent to the WHO in the past decade?

4. What further actions is the government taking to minimise lead emissions from the smelter to the community and to minimise lead exposure to children in that community?

The Hon. R.P. WORTLEY (Minister for Industrial Relations, Minister for State/Local Government Relations) (14:52): I thank the honourable member for what is a very important question. I can assure the member that this government does take very seriously the blood lead levels in Port Pirie. I will refer her questions to the Hon. John Hill, Minister for Health and Ageing, and bring back a response as soon as possible.

SALARY SACRIFICING

The Hon. R.I. LUCAS (14:52): I seek leave to make an explanation before asking the Minister for Industrial Relations a question on the subject of fraud and salary sacrifice.

Leave granted.

The Hon. R.I. LUCAS: In the *Brisbane Times* of 6 July, under the heading 'Salary sacrifice: $500,000 "taken" from 7600 government workers', the Queensland minister said:

> I am informed that the alleged fraudulent transactions impacted the accounts of 7580 current or former Queensland government employees and totalled $492,763.

The Queensland minister then went on to be very critical of the security arrangements of Remuneration Services (RemServ), one of two companies providing salary packaging services to the government. Further on, the minister said that he was particularly concerned that the government had allowed only two companies to provide salary sacrificing packages in an arrangement he described as a 'cosy duopoly'. In the *Herald Sun* on 12 July, the Queensland minister was quoted as saying that RemServ, one of two companies that handle the government's salary sacrifice service, first suspected the alleged fraud as far back as December 2010 and that RemServ had finally uncovered the alleged scam in June 2011.

RemServ is an associated company of Maxxia, the company the minister has given a monopoly contract to handle the salary sacrifice arrangements here in South Australia for public servants and about which there have been a number of questions in this house relating to tender arrangements and the government's decision to give a monopoly power to this particular company in relation to salary sacrifice provisions for public servants. My questions to the minister are:

1. Did the tender arrangements for the contract require the tenderer to advise the government of any knowledge of these issues in other states and territories and, if not, why not?

2. Given the claims by the Queensland minister that Maxxia's sister company (as it describes RemServ) suspected the alleged fraud in December 2010 and uncovered the scam in June 2011, did Maxxia advise the government of this issue during the tender process for the monopoly arrangement in South Australia and, if not, have they breached the terms of the tender arrangements managed by the government?

3. What precautions has the government now taken to ensure similar fraudulent behaviour, as occurred in Queensland, does not also occur in the monopoly arrangement the minister has approved here in South Australia?

4. Does the minister now agree with the Queensland minister and the Queensland government about concerns with monopoly or duopoly contract arrangements in relation to salary sacrifice arrangements for public servants in South Australia?

The Hon. R.P. WORTLEY (Minister for Industrial Relations, Minister for State/Local Government Relations) (14:56): The Queensland government issued a media release on 6 July 2012 regarding suspected fraudulent activities during a period in which Remuneration Services (known as RemServ) was providing salary sacrifice services. I understand that McMillan Shakespeare Limited, the parent company of Maxxia Pty Ltd, acquired RemServ which then became a subsidiary of McMillan Shakespeare Limited.

Maxxia Pty Ltd is the current provider of salary sacrifice services within the arrangements that apply to the South Australian public sector. I am advised that Maxxia Pty Ltd has advised Public Sector Workforce Relations of the following: the suspected fraudulent activity commenced some years prior to McMillan Shakespeare's acquisition of RemServ; the alleged fraudulent transactions have been traced to a former RemServ employee who left RemServ over two years ago; in the main, the fraud transactions were for very small amounts and were apparently executed in a very sophisticated manner; McMillan Shakespeare's internal auditors (BDO) detected the issue as part of their routine risk and compliance review activities. This came to light on 22 November 2010 when it was reported to the board audit committee by the McMillan Shakespeare Group internal auditor (BDO) that 61 payment transactions in the RemServ business may not be legitimate business transactions and that further investigations were underway.

The findings were advised to the relevant stakeholders, including the Queensland Department of Justice and the Queensland police, and investigations are ongoing. RemServ repatriated the respective funds to the employer trust accounts immediately. In respect of the South Australian government's principal agreement with Maxxia Pty Ltd, a $10 million bank guarantee has been provided to the South Australian government which exceeds the value of salary sacrifice funds currently held on trust on deposit.

Through its parent company, McMillan Shakespeare Limited, Maxxia has extensive insurance cover in place including over $120 million of crime and fidelity insurance. Maxxia's payment controls process is the subject of regular internal audit review and includes the

independent secondary verification of new/amended bank account details when they are added to the salary packaging systems. In accordance with the new principal agreement, the trust accounts balance will be the subject of audit review each month and the annual substantive audit will now be half-yearly.

SALARY SACRIFICING

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

The Hon. R.I. LUCAS (14:59): Did the government's tendering arrangements for its monopoly contract require Maxxia to advise the government and its officers of this fraud in an associated company?

The Hon. R.P. WORTLEY (Minister for Industrial Relations, Minister for State/Local Government Relations) (15:00): I just advised the honourable member, who I must say takes pleasure in trying to create innuendo and sleaze over very reputable companies. It is his trademark to create this fictional sleaze over anything, and he constantly uses this house in a way that is very cowardly and gutless, in the hope that he might score a political point. Unfortunately—

The Hon. R.I. Lucas: I just want some answers.

The Hon. R.P. WORTLEY: I just gave a very comprehensive answer in relation to the information given. That is all I need to give.

SALARY SACRIFICING

The Hon. R.I. LUCAS (15:00): By way of supplementary question arising out of the answer, is the minister refusing to obtain information, if he does not know the answer to the question, in relation to whether the tender arrangements required, as most would, the company tendering to advise of those circumstances in an associated company and, if not, why not?

The Hon. R.P. WORTLEY (Minister for Industrial Relations, Minister for State/Local Government Relations) (15:01): I just gave a response. It is not a matter of my refusing. The member will not take the response which I have given him. It is just a part of his sleazy innuendo, which he loves to progress.

SALARY SACRIFICING

The Hon. R.I. LUCAS (15:01): By way of further supplementary, is the minister confirming that his advice is the total fraud in a sister company associated with his monopoly provider for salary sacrifice was almost $500,000 in Queensland?

The Hon. R.P. WORTLEY (Minister for Industrial Relations, Minister for State/Local Government Relations) (15:01): I have answered the question and the people of South Australia can have all the confidence that Maxxia will provide a very good service with regard to salary sacrifice arrangements in this state.

NORTHERN ADELAIDE EARLY CHILDHOOD DEVELOPMENT STEERING COMMITTEE

The Hon. J.M. GAZZOLA (15:02): My question is to the Minister for Communities and Social Inclusion with responsibility for the northern suburbs. Will the minister inform us about the progress of the Northern Adelaide Early Childhood Development Steering Committee?

The Hon. I.K. HUNTER (Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (15:02): I thank the honourable member for his most important question.

The Hon. R.L. Brokenshire: Take it on notice.

The Hon. I.K. HUNTER: I was thinking about it. The Northern Adelaide Early Childhood Development Steering Committee (with the horrible acronym of NAECDSC) was formed several years ago. The committee comprises representatives from each of the three tiers of government, significant not-for-profit organisations operating in northern Adelaide and the University of Adelaide. The goal of the committee is to ensure that young children and their families in the cities of Salisbury and Playford have the best start in life in order to create a better future for themselves and for their community. The committee works to achieve this goal by working in partnership with local communities and neighbourhoods to determine and achieve local objectives.

Encouraging and facilitating coordination, joint planning and service delivery between local providers is a key function, as is identifying needs and service gaps in those parts of the region

where outcomes are the poorest for young children and subsequently addressing those needs. Strengthening the coordination of and connections between early childhood services throughout the region is also a priority to ensure that local needs are met, resources are not duplicated or used inefficiently, and improve the quality or accessibility of services for children and young families in the region where this is also required.

As part of their work, the committee identified the suburbs of Salisbury North and Elizabeth Grove as among those where there were the poorest outcomes for young children. The committee then worked with a primary school in each suburb to identify ways in which this situation can be improved for those children. For Elizabeth Grove this work included the creation of an additional community room and an assessment room and shared timetabling of community rooms and activities offered and improvements to the children's centre yard space.

At Lake Windemere Primary in Salisbury North the children's centre is under construction and the focus is on support for resources for parents of young children. At its March 2012 meeting, the Northern Adelaide Early Childhood Development Steering Committee resolved to provide $30,000 to each school to support these developments and activities.

On Friday 8 June, I attended the Elizabeth Grove Primary School and presented Ms Moya Wellman, Principal of Elizabeth Grove Primary School, and Ms Angela Falkenberg, Principal of Lake Windemere Primary School, each with a cheque of $30,000, given on behalf of the state government through the Northern Connections office and the Northern Adelaide Early Childhood Development Steering Committee, in the presence of their worships, mayor Gillian Aldridge from the City of Salisbury, and mayor Glen Docherty from the City of Playford and also local members Ms Leesa Vlahos and Mr Lee Odenwalder from the other place. I commend most heartily the important work undertaken by the steering committee, the schools and Northern Connections in the field of childhood development, which is an important priority for this government.

INGHAMS ENTERPRISES

The Hon. R.L. BROKENSHIRE (15:05): I seek leave to make a brief explanation before asking the Minister for Agriculture, Food and Fisheries a question with regard to Inghams Chickens.

Leave granted.

The Hon. R.L. BROKENSHIRE: The Ingham family business, known as Inghams Enterprises, is presently for sale. It is a company that, amongst other things, is best known for its chicken meat processing. Inghams Enterprises employs more than 8,000 people in over 100 locations in Australia and New Zealand, it controls about 35 per cent of its market and has 49 landholdings, last estimated by ANZ to be worth $358 million. The business is said to be worth about $2 billion and potential buyers include Thai conglomerate CP Group, Brazilian beef giant JBS and Chinese state-owned enterprise COFCO.

Approximately 1,500 Inghams employees are employed in South Australia at chicken processing plants at Bolivar and Edinburgh Parks and a turkey processing plant at Foggos Road, McLaren Flat. South Australia and Queensland are said to be the main producing states for the company, with each producing one million birds a week. It was reported today that the 2011 South Australian Food Scorecard showed that chicken meat production has nearly doubled in the state, rising from $232 million to $436 million in the past five years. That reportedly includes the shifting of chicken processing facilities into South Australia from the Eastern States.

I note that in the past there has been promised, and perhaps delivered, a $42 million loan (in 2006) to Inghams to set up Edinburgh Parks, if not more in grants in 2005. At the time, I believe the Hon. Rob Lucas described that as one of the biggest assistance packages given to business, alongside Mitsubishi. Minister Conlon, at that time, said the Edinburgh Parks project was the:

> ...culmination of a great deal of work with industry and Local Government and various State Government agencies, including the Land Management Corporation and Primary Industries and Resources SA.

Therefore, my questions to the minister are:

1. Has the minister, in her capacity as Minister for Agriculture, Food and Fisheries, had a briefing on the possible jobs implications for South Australia from this sale?

2. Does this sale threaten the government's target as per its 9 February 2006 press release for interstate exports of chicken to reach $500 million by 2015?

3. Is the minister and the minister's government ensuring that they keep a clear focus on the importance of maintaining this growth and Inghams' opportunities to the state of South Australia?

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for Tourism, Minister for the Status of Women) (15:07): I thank the honourable member for his most important question. Indeed, the chicken industry is a very important industry in South Australia, not just in terms of the chicken meat but also our egg industry as well. Both industries, like many of our primary industries, have been faced with significant challenges over the last number of years, particularly in relation to the cost of imports going up and our very troubled economic climate. There have been problems with exports, given our dollar, and this has put a number of our primary industries under pressure, including our chicken industry.

To the best of my knowledge, the industry has not raised any specific concerns with me about the potential sale. I have met with a number of different people and delegations from the chicken industry on various occasions and had various discussions. They have brought me up to date on the sorts of issues and challenges they are facing. Obviously there are global factors operating that we do not have much control over. However, there are a number of things that this government is doing to assist, not just in terms of the chicken industry, but generally. One of them is the Mid Murray to Coorong corridor in the Murraylands. Recently I had the pleasure of launching a mapping report. That report was a consolidation of a wide range of different information that was brought together into one report.

The aim of this was to provide a readily accessible map, if you like, for potential future investors, particularly primary industry investors, so that people could come along and they could see how productive soils were, their climate profiles, where power mains were supplied, where water mains existed, where water storage facilities were—a wide range of different factors that are key to existing industries being able to make informed decisions about expanding and also to potential new investors coming in and being able to plan the best place to position their investment. That was the first of those plans that we have rolled out. PIRSA intends to provide one of these reports for each of our regions to assist in the planning for future investment.

As I said, there are a number of various means that we are looking at. We currently have a regional development infrastructure grants fund that provides assistance to industries that want to expand or develop their businesses and a number of other support facilities as well. As I have said, it is a very important industry to us. We are monitoring that very carefully and we will continue to work with that industry to try to assist them in meeting their future challenges.

ELECTRICITY PRICES, COOBER PEDY

The Hon. T.J. STEPHENS (15:12): I seek leave to make a brief explanation before asking the Minister for Regional Development my questions on Coober Pedy electricity prices.

Leave granted.

The Hon. T.J. STEPHENS: I refer to a recent interview with the federal member for Grey, Rowan Ramsey (who does a great job), about electricity prices in Coober Pedy. As many of you may know, last year the government almost doubled the electricity prices in the town. Coober Pedy is now facing another 30 per cent rise on top of their already high figures. The government ran the generators but handed them to the local council in 2002 when they were in need of repair. It is believed that it would cost an estimated $50 million to connect Coober Pedy to the grid, so funding the generators seems to be the only viable option at the moment.

The increase of electricity prices causes businesses to increase their prices, affecting tourism and making it increasingly expensive for the community. Every other state government in Australia supports its regional communities, but it seems South Australia and the Labor government do not. My questions are:

1. Will the government commit to lowering electricity prices in Coober Pedy? If not, why not?

2. What are the latest cost figures for putting Coober Pedy on the grid?

3. Has any cost-benefit analysis been done on this particular subject?

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

Women) (15:13): This is obviously a question that is mainly the responsibility of the Minister for Infrastructure, and I would be happy to refer the details of those questions to the appropriate minister and bring back a response. I certainly can say that the issue of power to Coober Pedy is one that has occupied considerable thought by this government. There was a decision made in terms of the full cost recovery of power to Coober Pedy and power subsidies were removed, and I am very much aware, having visited Coober Pedy several times, that that has had a significant impost on that community.

I believe a report was done some time ago that looked at providing an interconnection through, I think, Prominent Hill; it is some time since I had a look at this material. Again, it is a while since I have looked at these figures, but I think it was somewhere between $50 million and $80 million, or something like that—a huge amount of money—to provide an interconnection. As I said, I think it was through Prominent Hill.

During one of my visits there, when I went out to Prominent Hill, it was an issue that I actually discussed with them: the prospect of being able to hook up to their mains and what that would mean. They also had given it considerable thought in terms of their capacity to do that and the costs, etc. They were quite clear that at that time they were prohibitive. If I recall, it would have had a significant impact on their capacity**,** so they would have to make significant structural adjustments for that. The tyranny of distance and isolation meant that laying that infrastructure had significant cost implications as well.

It is not just power. There are also issues to do with water in Coober Pedy, which I have also looked at. I have been out to look at their waterline. You can see the number of repairs that have been done as you travel along the line of various dates. Every 10 metres or so, you can see that there is another repair job and then another repair job, which has been going on for many years. So, it is a patchwork quilt of repairs—very costly and, at times, providing poor quality water. I was very pleased that Coober Pedy was successful in the last RDAF funding round. They were successful in obtaining just under $1 million—it was close to it, I think—for a Water for Growth project to help them rebuild and refit their water system. I am very pleased that at least one of their major challenges has been addressed.

I note that the Minister for Infrastructure made a decision about the power. My understanding is that he has not revisited that decision; however, in terms of the specific questions asked, as I said, I am happy to pass those on to the minister and bring back a response.

KANGAROO ISLAND FARM GATE TO CELLAR DOOR TRAIL

The Hon. CARMEL ZOLLO (15:18): I seek leave to make a brief explanation before asking the Minister for Tourism a question about the Kangaroo Island food trail.

Leave granted.

The Hon. CARMEL ZOLLO: As we all know, Kangaroo Island has a reputation for some of the state's finest food produce. My question to the minister is: can she provide the chamber with details of KI's food trail experience?

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for Tourism, Minister for the Status of Women) (15:18): I thank the honourable member for her most important question and her ongoing interest in tourism matters. Mr President, as you would know, Kangaroo Island is known for its premium food and wine and, given the South Australian Tourism Commission's commitment to promoting Kangaroo Island, it is important that we continue to publicise all that the island has to offer.

I have spoken before in this place about what an amazing place Kangaroo Island is and how successful the Kangaroo Island marketing campaign has been—the one that we are currently running. The campaign idea focuses around the notion of transformation, using the tag line 'Let Yourself Go'. The campaign is designed to capture the unique sense of discovery and escape that the island offers. Of course, one of the key reasons to visit Kangaroo Island is the premium food and wine produced there. Members may already be aware of the recent launch of the Kangaroo Island Farm Gate to Cellar Door Trail, which lists a range of producers, cellar door and other events.

The Kangaroo Island Farm Gate to Cellar Door Trail was produced by Tourism Kangaroo Island, with funding provided through the South Australian Tourism Commission's Destination Development Fund; and I am very pleased to advise that a total of about $20,000 was provided

from this particular fund. The trail includes three suggested different itineraries developed for visitors with varying amounts of time on the island and various distances, but each itinerary provides a fabulous mixture of various scenery, food and wine experiences and generally the fabulous natural delights of the island.

Of course, the itineraries are designed to assist visitors to make easy decisions. If they have got only a very short period of time they are then able to pick a shorter tour, and it shows them a quick and easy way to visit a selection, as I said, of food and wine outlets and also points out some natural features along the way. The Dudley Peninsula and American River areas, the central and southern coast and the Kingscote area and its surrounds are all included across these itineraries and are there for visitors to consider.

The Hon. I.K. Hunter interjecting:

The Hon. G.E. GAGO: King George whiting would have to be one of my favourites. The island is renowned for its absolutely beautiful King George whiting. In fact, it has fabulous fresh fish produce. I have to say that the KI oysters are right up there as well. They are a particular favourite of mine as well. Of course, members would probably know that Kangaroo Island is well known for a whole range of things, not just its fabulous King George whiting and oysters—

The Hon. Carmel Zollo: Honey.

The Hon. G.E. GAGO: —but things like eggs, olive oil and honey. It has some lovely native berry jams, and a wide range of cheeses and other products as well.

The Hon. D.W. Ridgway: Marron.

The Hon. G.E. GAGO: Marron, yes. The marron there is quite famous as well. As the Minister for Regional Development, tourism, food and wine I think that this is a fabulous initiative. As I said, South Australia is known for its wonderful regions, and in many ways KI is one of our star performers. It is obviously a very beautiful place, and it provides some wonderful examples of some very fine food, wine and other wonderful tourism experiences. I would like to take this brief opportunity to congratulate those people who worked collaboratively to pull these itineraries together to make this a particularly interesting feature for visitors to the island.

ANSWERS TO QUESTIONS

FIREFIGHTING TANKS

In reply to the **Hon. J.M.A. LENSINK** (10 November 2011) (First Session).

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

A standard already exists in Minister's Specification SA78, *Additional requirements in designated bushfire prone areas*, which requires water tanks for bushfire fighting purposes to be of non-combustible material as determined by the Australian Standard AS 1530.1. Compliance with this Specification and the Australian Standard should be checked as part of the development approval process.

As it would appear that there is some inconsistency in applying these provisions in at least two councils, it is proposed to issue an Advisory Notice to all councils and private certifiers who are required to check compliance.

YOUNG PEOPLE AND DRUGS BROCHURE

In reply to the **Hon. D.G.E. HOOD** (14 February 2012).

The Hon. R.P. WORTLEY (Minister for Industrial Relations, Minister for State/Local Government Relations): The Minister for Mental Health and Substance Abuse has been advised:

1. The Parent Easy Guide 'Young people and drugs' is informed by *The South Australian Alcohol and Other Drug Strategy 2011-16*, which provides an evidence-based response that aligns with South Australia's Strategic Plan and national agreements, such as the *National Drug Strategy 2010-15*, and the *National Partnership Agreement on Closing the Gap in Indigenous Health Outcomes* strategy to improve indigenous health.

The Parent Easy Guide seeks to communicate what the data on drug use shows. Illegal drug use is incredibly harmful, as is the abuse of legal drugs. Therefore it is important that parents are accurately informed of the risks associated with all drugs.

2. The Parent Easy Guide does not say 'concern about illegal drugs in the media is overstated'. The Parent Easy Guide states:

> We live in a drug-taking society. While there's a lot of concern about illegal drugs in the media, the most harm and greatest risk to young people comes from using legal drugs such as alcohol, cigarettes and medicines. More young people are involved in violence, are hospitalised or die from alcohol-related causes than from illegal drugs.

FISHERIES

In reply to the **Hon. M. PARNELL** (16 May 2012).

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

Significant efforts have been made by state governments and universities to improve understanding of the Lake Eyre Basin's river systems over the last decade, including the ecology of native fish populations.

An ecologically sustainable development risk assessment was undertaken in 2009 to inform development of the management plan for the Lake Eyre Basin fishery.

The participants involved in the stakeholder workshop to undertake the risk assessment, held by Primary Industries and Regions SA (PIRSA), included the Department of Environment and Natural Resources, South Australian Research and Development Institute, Griffith University, Aquasave, the then Department for Water, Land and Biodiversity Conservation, Attorney General's Department, South Australian Recreational Fishing Advisory Council and the commercial licence holder.

The risk assessment is available on request from PIRSA and is currently available on PIRSA's website.

MATTERS OF INTEREST

HIV FORUM

The Hon. G.A. KANDELAARS (15:24): Recently I attended a community forum titled Revving Up HIV Prevention. The forum was conducted at the Uniting Communities' Way Hall. Unfortunately, the topic of human immunodeficiency virus (or HIV) is quite often met with apathy by the general public. HIV is a serious problem that has affected nearly 75 million people worldwide since it was first recorded over 30 years ago. Each day worldwide there are about 7,000 new infections and, for every new person receiving treatment for HIV, another two people have been infected.

The United Nations announced in June last year that they are going to implement a new scheme in an attempt to combat this epidemic. Their goals involve reducing the transmission of the disease through sexual activity and injecting drug use by 50 per cent and also by making HIV antiretroviral treatments available to an extra 15 million people in low to middle income countries. It is the UN's hope that these goals can be achieved by 2015.

Australia has more than 1,000 new cases of HIV diagnosed each year. In South Australia we have between 40 and 60 cases each year. There are about 24,000 people living with HIV in Australia and about 1,200 in South Australia. It is estimated that the cost to this country on average is about half a million dollars over an infected person's lifetime for treatment. That is a staggering half a billion dollars additional liability per year to the Australian health budget. The cost of investing in prevention is miniscule compared to the lifetime treatment costs.

HIV can affect anybody of any age, gender, ethnicity, sexual orientation—any walk of life. No-one is safe. Prevention is the only cure that we have, and there is no current cure for HIV. Education about prevention is one of the UN's goals. People need to understand that HIV does not only affect gay men or people who use IV drugs. The importance of using protection—that is, a condom—while engaging in sexual activity needs to be highlighted, and also a reminder of the health hazards faced by people who fail to use this protection.

Prevention and early detection are the best methods we have in fighting the HIV epidemic at this time. Prevention is as simple as educating the population on how HIV can be transmitted, how it can be avoided and how to live with HIV if you are unfortunate enough to contract the disease. Statistics show that 60 per cent of people living with HIV do not even know that they carry it. The UN has called for a simple and convenient rapid-HIV test to be made available widely so that this number can be brought down. At this stage Australia does not have the rapid-HIV test, and this has made it difficult to undertake regular testing.

Even though the treatments for HIV have improved markedly over the past decade, there is no cure. Together with awareness and education, the infection rate in Australia has remained relatively stable over the last 10 years. Medication and lifestyle changes will allow people living with HIV to live relatively normal lives. HIV should not be downplayed. It is still a chronic disease, and antiretroviral medications help to reduce the impact of the virus, but a world without HIV is what we hope to see in the future. For this to become a reality we need to work with the UN to continue to work with the community to educate the general public on the risks of HIV; to deploy rapid-HIV detection testing to make it easier to identify those who are infected; and we also need to consider providing antiretroviral treatment to the at-risk groups to assist in limiting the spread of the disease.

Finally, I thank the AIDS Council of South Australia for their efforts in making the public aware of HIV and also for the work they do to assist those who live with the virus.

YOUTH PARLIAMENT

The Hon. S.G. WADE (15:29): I am very pleased to rise this afternoon to speak on the 2012 Youth Parliament (YP). The YMCA South Australian Youth Parliament is supported by the Office for Youth and the Law Foundation. The 17th Youth Parliament brought together about 70 young South Australians between the ages of 16 and 25, including a strong contingent from regional South Australia and the Migrant Resource Centre.

The program is partly about civics education but overwhelmingly the participants benefit from a focus on holistic personal development. South Australians from all walks come together for a range of activities from public speaking to recreation to team-building and so on. It is a brilliant opportunity for young people to grow and shine. Lauren Tropeano, the 2012 Youth Premier, put it this way:

> At a most basic level, YP is about educating young people about the Parliamentary system, developing public speaking skills and fostering our future leaders. But it is so much more. YP provides a setting for youth to engage in their community, have a voice and act on what they truly believe in. The experience is as invaluable as the friendships formed along the way.

The program is highly regarded in this parliament. I know that many members back the program with direct financial sponsorship. I know that at least five members currently employ former YP participants as advisers. My own adviser, Sandy Biar, participated in four youth parliaments. Other distinguished former participants include His Worship Glenn Docherty, Mayor of Playford, and the Hon. Kate Ellis, federal member for Adelaide.

The Hon. J.M.A. Lensink: John Gardner.

The Hon. S.G. WADE: And John Gardner, I am reminded by my honourable colleague Michelle Lensink. For a number of years the parliament itself has backed the Youth Parliament program by inviting the Youth Parliament to use the parliamentary chambers and be recorded by Hansard. I must express my disappointment at the level of support offered this year. The discovery of asbestos in the roof of the House of Assembly chamber meant the closing of the House of Assembly chamber. Both houses could have shared the Legislative Council chamber. Alternatively, sitting in the week after this one would have enabled the House of Assembly to consider Legislative Council amendments on bills that have already been passed and would have allowed the YP to maintain its access to the house.

Instead, the House of Assembly decided to sit in our chamber last week during the very week of school holidays when this chamber is dedicated to Youth Parliament. With a matter of days' notice, Youth Parliament was told that access to the parliament had been withdrawn and arrangements had to be made for two of the planned sitting days to be relocated to Rostrevor. Let us be frank: it was not the same; the program is not called 'youth sitting on plastic chairs debating at Rostrevor'. I am disappointed that the parliament did not do better in honouring our long-standing words of support for Youth Parliament with action.

The fact that the program was nonetheless highly successful is a tribute to the resilience and commitment of the YMCA, the task force and the participants. I congratulate His Excellency Thomas Manning, the 2012 Youth Governor, and the excellent task force for a fantastic year. Thom brought to the role the energy, enthusiasm and thoughtfulness which are his trademarks. The fact that Thom put off much-needed oral surgery to be part of Youth Parliament is indicative of his dedication. Of the 14 bills debated by the Youth Parliament this year, six were passed. They dealt with issues as broad as rural health, transport and development, jumps racing, tertiary education and migrant support.

The Youth Governor for 2013 is His Excellency Aaron Dela Paz and, on behalf of the parliament, I congratulate him. He has a clear vision to develop the program and has identified three areas of focus: grassroots promotion of the program in schools, universities and local community groups; communicating that Youth Parliament is for all comers; and improving the teaching of skills to the participants, particularly in speech writing and public speaking during the time preceding the residential week. We wish him well in his goals, and in bringing together an effective task force and participants for next year. We look forward to welcoming them home in 2013.

In conclusion, I hope that all members of the council will join me in reaffirming our commitment to foster the development of South Australian youth. When young people reaffirm enduring truths, they often challenge us to rediscover the optimism and passion of youth in pursuing those shared values. When young people assert more challenging ideas, we need to be alert to the buds of emerging ideas, or at least use that contrast as an opportunity to reaffirm our own direction.

METROPOLITAN FIRE SERVICE SESQUICENTENARY

The Hon. CARMEL ZOLLO (15:34): On 26 April 2012, I was pleased to attend the 150th anniversary celebrations of the Metropolitan Fire Service (MFS), along with the Hon. Jennifer Rankine MP, the Minister for Emergency Services, and minister Paul Caica, who will serve as a patron for the celebrations. The state marked the beginning of six months of organised events and celebrations. The MFS, which is documented to have formed in November 1862, is now one of the oldest legislated fire services in the world and was originally known as the South Australian Fire Brigade. The Minister for Emergency Services (Hon. Jennifer Rankine MP) has moved a congratulatory motion in the other place and I join her in placing on the record my congratulations. Minister Rankine said:

> The Metropolitan Fire Service's sesquicentenary is a very special milestone for all South Australians, and I am delighted that members of parliament join me today to offer our thanks and best wishes. I am thrilled that over the next months there is a broad calendar of events so many people can share in the celebrations and say thank you to the thousands of brave men and women who have served in the MFS over the past 150 years.

With over 1,000 staff and 36 fire stations (20 metropolitan, 16 regional) the MFS provides not only a fire safety service to South Australians; it also has a proud history of community education and engagement programs, including its responsible road awareness program, home fire service, home fire escape plan, domestic smoke alarms awareness, and the list goes on.

MFS Chief Officer Grant Lupton told those gathered at the launch on 26 April that the date was chosen as a mark of respect to acknowledge the deaths of three firefighters 88 years to that day. Those who have lost their lives serving their community are remembered on International Firefighters Day, or St Florian's day, as it is also known (St Florian is the patron saint of firefighters on 4 May), as well as National Firefighters' Remembrance Day on 10 October. As well, this time will be used to refurbish and unveil several of our state's firefighter memorials.

I have mentioned the strong community education and engagement programs undertaken by the MFS, but one in particular that I admired during my time as a minister was the RAAP program, more especially as I was also minister for road safety. The fire services are often jointly called to serious crashes with other agencies, and their skills of assessing and retrieval of crash victims, often with very specialised equipment, are vital. It is in this context, where young people have very good reason to respect firefighters and other emergency service agencies, that the RAAP program was born.

I remember talking about the RAAP program when I was minister. I described it as a hard-hitting and highly successful program delivered to young drivers at high schools to highlight the consequences of unsafe driving behaviour. I also remember saying at the time that the program

had won numerous awards and accolades for not just the program but the people involved in its delivery.

During that time I visited a high school with Ryan Scott, a young gentleman who is confined to a wheelchair due to a car crash. Ryan worked with the MFS, and his honesty about his decisions and life after the crash always sat well with the firefighters' no-nonsense approach. The RAAP program is just one of the community education programs delivered by a dedicated group of people aimed at bringing about positive behavioural change to reduce loss of life, injury and property damage.

Our firefighters in 2012 (150 years since firefighting services commenced in South Australia) are trained and educated in skills not even heard of in 1862, responding to chemical, biological and radiological incidents, structural collapse, and urban search and rescue (USAR), to name a few. I conclude my remarks today by saying that I know that I am joined by all in this chamber in congratulating the MFS on its 150th anniversary. I take this opportunity to thank all the MFS firefighters both past and present for their dedication and selflessness to the people of South Australia.

CITY OF ADELAIDE PLANNING

The Hon. D.W. RIDGWAY (Leader of the Opposition) (15:39): Most of us, even in this parliament, simply pass through history instead of making it, but none of us will ever forget Colonel William Light who designed this city and whose legacy we enjoy today. On the banks of the River Torrens, Adelaide is one of the very few major cities in the world whose river still meanders across the wide, public open spaces with grassy banks and native trees. In the city itself Light's design provided us with wide boulevards and large squares, and, of course, we have our iconic Parklands. Light would recognise his design even today, 176 years later.

But cities change. Just yesterday we had a major announcement. It was made by the Premier and it was made by the Deputy Premier, who is also the planning minister, and it was made by the Lord Mayor. What was this momentous news from the three most powerful men in Adelaide—the bloke who runs the state, his 2IC, and the bloke who runs the fifth largest city in the nation? Why was it news that Leigh Street, in central Adelaide, would be closed to vehicles for a six-month trial? Bang the drums, release the doves, let fly the ticker tape, a few hundred metres of central Adelaide will be excluding cars! But hold the front page: Leigh Street is already one of the few functioning streets in South Australia. Stephen Yarwood, the Lord Mayor, said yesterday afternoon that only a few cars use the street anyway. 'There's only a handful of car parks and they tend to be 15 minute parking spots anyway,' he said.

Does it really take the combined efforts of a city and a state to close a street that is already safe, shared and successful? What about starting where it counts: Bank Street, Blythe Street and Bentham Street? Yesterday afternoon, the Adelaide City Council said that Leigh Street was owned by the Ginos Group, and so it is. The Singapore-based Ipoh Pty Ltd purchased the street from the Anglican Church in 1997 and onsold it last year to Adelaide businessman Zis Ginos, who is the Managing Director of Ginos Engineers Pty Ltd. It is not every day that a developer and a civil engineering company get a Premier, a Deputy Premier and a Lord Mayor to close a public vehicular street. In fact, the former attorney-general and the might of the entire Labor Party cannot even open a street such as Barton Terrace, which has been closed for a quarter of a century.

At Leigh Street, the taxpayers will pay for it. The government will spend $50,000 on trees, planter boxes and seating. While it is clearly and obviously a good idea to activate the city, axiomatically the more people you bring to the city, the more people you have milling in the streets. Yesterday, Lord Mayor Yarwood reckoned that the number of people walking in the city, to use his words, 'could quadruple'.

One of the existing problems with Hindley Street and the West End is the real lack of public facilities. I am referring to things such as toilets. As the police know, we often hear reports of people in the evenings having to urinate in the street because there simply are no public facilities available. At night, you cannot get into a venue to use the facilities because of security guards and a line-up. We support activating streets and laneways, but we think that the government and the Adelaide City Council should make sure that there are adequate toilet facilities.

In Sydney, for example, in Kings Cross on Friday and Saturday nights there is a position called the manager of the night-time economy; she works for the Sydney city council. They have been trialling temporary toilets on weekends. The manager explained that, whenever there is a major event, they put on extra toilets. Every Friday and Saturday night in Kings Cross is virtually a

major event. Certainly, in our summer months, every Friday and Saturday night in Hindley Street and the associated area is a major event.

We are very supportive of enlivening Adelaide and the West End, but we do want the government and the council to make sure it is done properly. The West End is perhaps the only area in the city which has not yet been revitalised. Millions of dollars have been spent in the East End. Let us remember that the Adelaide Fringe started in the West End, the first Adelaide City Council was held in the street. There is a lot of history in the West End, a history most of us, even in this parliament, simply pass through.

VOICE OF INDUSTRIAL DEATH

The Hon. J.A. DARLEY (15:43): I rise today to speak about the organisation Voice of Industrial Death (also known as VOID) and its founder Ms Andrea Madeley. In 2004, Andrea's son Daniel was killed in an industrial accident while working as an apprentice toolmaker. After navigating through the justice system and the maze of bureaucracy that followed, Andrea recognised the need for ongoing support and information for people who sadly would be put in the same situation as she has been. Andrea also recognised the deficiency in our occupational health and safety legislation and believed that a body should be founded to create change where change was needed. As a result, VOID was founded in May 2006.

Over the years, VOID has provided unwavering support to families who have tragically experienced the same loss and grief Andrea experienced as a result of a loved one's death caused by an industrial accident. In these families' time of need, VOID provides help where it can. Whether it is explaining the bureaucratic processes and preparing families for what they are facing, speaking out for them when they are unable to do so themselves due to grief or lack of information, accompanying families to court hearings, giving support or just providing a shoulder to cry on, VOID is there to help.

Andrea's vision for support is that people who have experienced similar circumstances will make others comfortable and be able to provide more assistance as they truly understand the needs and emotions of those they are trying to help. I know that Andrea despairs because all too often by the time the families come to her they have lost complete faith in the system, or it is too late in the process for her to be able to provide assistance, but Andrea is always happy to help and hopes that, over time, VOID's name and reputation will be such that these families will receive the assistance they need when needed.

VOID has also created a workplace safety presentation called Reflections. Reflections is a personal journey which is often confronting for those who experience it. It aims to send home a powerful message as to the real reason why workplace safety is so vital. It is not just to tick a box on a piece of paper but to ensure you go home safely to your family and loved ones. This is the message of SafeWork SA's current Homecomings campaign; however, it is a drum that Andrea has been beating for a long time.

Over the past five years, Andrea has given this presentation to thousands of employees and feedback is always very positive. Andrea was particularly touched when students at the East Murray Area School decided to dedicate one of their projects to Danny's memory as a result of seeing the Reflections presentation.

The third prong of VOID's fork is lobbying for change where it is necessary. For instance, VOID was the catalyst for changes in the Occupational Health, Safety and Welfare Act which increase the penalties for reckless endangerment. VOID continues to play an integral part in bringing about workplace safety reforms and advocating for fairness and justice for the benefit of all workers.

VOID is a not-for-profit organisation and, as a result, a lot of what Andrea does is not recompensed. Whilst VOID gratefully accepts donations, Andrea never asks for payment for her presentations as she believes it is important to raise awareness on these issues. In fact, Andrea would like nothing more than to be able to spread her message to more people through schools, vocational training centres, unions and workplaces.

VOID is also actively involved in the International Workers Memorial Day. When Andrea first became involved, attendance at these memorials was limited; now the memorial day is held in a packed church, which demonstrates not only the growing need for an organisation like VOID but also highlights that many families were struggling for a voice before VOID was established.

In an effort to provide even more assistance and to gain a better understanding of the legal system, Andrea is currently undertaking a law degree. Having represented herself at the Coroner's Court in the inquiry into the death of her son, she is all too well aware that not everybody is able to afford legal representation. She also knows that legal advice is very useful in these proceedings. VOID and, in particular, Andrea Madeley, should be commended for all they do and their tireless efforts to enhance worker safety. I know that her son, Danny, would be proud of all she has achieved and all she does in his memory.

COMMUNITY INITIATIVES

The Hon. J.S.L. DAWKINS (15:47): I rise to highlight some community initiatives that have strong local government support. Firstly, I was pleased to accept an invitation from the Pooraka Farm Community Centre and the City of Salisbury to the official opening of the Pooraka Farm Men's Shed on Sunday 17 June. The official opening was a fun and informative day which showcased the Men's Shed as a place for all men from a wide variety of backgrounds and circumstances to come together and engage in activities of interest. The Men's Shed aims to connect men from within the community and surrounding areas to become involved in community projects, woodwork and other leisure activities. The Men's Shed provides a friendly environment for men to learn new skills, improve old ones and meet new people.

The guest speaker on the day was Dr Leon Earle, known as the Men's Shed Champion and also a Local Hero in the 2012 Australia Day awards. The opening was hosted by Bryce Routley, a Salisbury Living Legend, and consisted of an official opening ceremony followed by a variety of activities to participate in, demonstrations and information stalls.

The event was a collaboration of efforts from many members of the Pooraka community, but I particularly want to mention that the collaboration was largely inspired by the efforts of Heather Hewitt, the coordinator of the Pooraka Farm Community Centre. Heather is one of those ladies who gets things done. She sees something that she thinks will benefit the community and she is very good at urging others to help effect such a vision, so I particularly congratulate her for her efforts. I also acknowledge the funding assistance that was provided by Community Benefit SA. Rather than the cutting of a ribbon on the day, the opening of the men's shed was marked by the hand sawing of three pieces of wood.

I would also like to speak about an event which was held on Tuesday 19 June, known as Lifting the mask: let's talk about the 'S' word. This was a free community forum sponsored by the City of Playford and the Rotary Club of Elizabeth. More than 250 people attended this forum at the Shedley Theatre in Elizabeth. It had a particular focus on suicide prevention and resilience. The special guest and forum convenor was Dorinda Hafner, and the keynote speaker was Mr Adrian Booth, clinical psychologist and *beyondblue* board member who talked specifically about resilience and optimistic thinking. There was a panel which was convened by Dorinda Hafner, and the panel members discussed a hypothetical case study of someone who was at risk of committing suicide.

Panel members included Professor Nicholas Procter, self-harm in refugees/CALD communities; Dr Eli Rafalowicz, Clinical Director of Northern Mental Health; Jill Chapman from Minimisation of Suicide Harm (MOSH); Alexandra Lauterbach from Lifeline; Stacey Roy from Adelaide Northern headspace; Linda Ladhams, peer specialist, Northern Mental Health; Michelle Ward, occupational therapist, Northern Mental Health; and Tauto Sansbury, Aboriginal cultural consultant.

I particularly want to single out Jill Chapman for the work she does with MOSH. It is a terrific organisation that works with families who have been affected by suicide and also works with communities to prevent suicide. Finally, I wish to give great credit to Maria Callander, Coordinator, Social Inclusion and Access, at the City of Playford, for her leadership in facilitating this forum.

MULTIPLE CHEMICAL SENSITIVITY

The Hon. T.A. FRANKS (15:53): I move:

That this council calls on the government to:

1. ensure that existing multiple chemical sensitivity (MCS) guidelines for South Australian hospitals are implemented, promoted and monitored across all health service providers;

2. ensure, as a priority, that disability access protocols for healthcare services to provide fragrance-free environments, including controls on the personal use of perfume and aftershave, are developed and implemented to minimise any impediment to MCS patients accessing these facilities;

3. implement procurement policies across the Public Service to mandate the use of fragrance-free cleaning products and reduce, or avoid altogether, the use of products, including building and renovation materials containing volatile organic compounds that may exacerbate MCS;

4. dedicate funding for a comprehensive medical information and education strategy on MCS for doctors, patients and the community, including local councils;

5. work with local government to reduce and minimise, on a mandatory basis, the use of chemicals in the community such as herbicides like glyphosate that have been linked to MCS, particularly in areas where children may be inadvertently exposed, such as playgrounds and schoolyards;

6. ensure that the new Royal Adelaide Hospital incorporates some low volatile organic compound (VOC) and low electromagnetic radiation (EMR) rooms to accommodate MCS patients;

7. lobby the federal government to provide assistance for essential aids and items to assist sufferers in managing their conditions;

8. place MCS on the Australian Health Ministers' Advisory Council agenda to ensure a coordinated national approach is taken to address the need for further research into MCS; and

9. ensure that all of the recommendations of the 2005 Social Development Committee inquiry into MCS, and particularly those recommendations dealing with disability access that have been agreed, or agreed in principle, by government are fully implemented, and provide a report to this council annually on the status of this until completed.

I rise today to speak about multiple chemical sensitivity (MCS). It is a little-known and little-understood condition that affects an unfortunately large number of South Australians. A South Australian population study by the Department of Health, which was eventually published in 2008, found that 1 per cent of people report being medically diagnosed with MCS, with an average of 6 per cent reporting severe health problems from common chemicals, while 16 per cent have some form of chemical hypersensitivity.

The survey concluded that that 1 per cent 'medically diagnosed' figure is likely to be an underestimation of the true incidence of MCS. Whatever the exact figure, it is clear that thousands of Australians currently suffer, often in silence, as a result of multiple chemical sensitivity. Unfortunately, the impacts of this condition are in fact worsened by indifference, apathy and ignorance.

In 2005, as many members would be aware, this parliament's Social Development Committee tabled a report into MCS, yet little has changed for people living with MCS in South Australia since then. The recommendations covered issues such as recognising MCS as a disability, the need for further research, chemical use in local government, best practice for chemical use guidelines, the role of PIRSA and chemical trespass, policies and protocols for safe disability access to health centres, measures to minimise chemical exposure in the community and extending existing support services to accommodate MCS sufferers. On the whole, they lie unheeded and unimplemented.

While a study by D. James Fitzgerald on the prevalence of MCS was conducted and published in the journal *Environmental Health* in 2008, an information sheet has been compiled and MCS guidelines for hospitals have been produced and were approved in 2010, the vast bulk of the 2005 committee's report recommendations have not been acted upon. In areas where significant MCS policies have been developed, such as MCS disability access guidelines by the Department of Planning, Transport and Infrastructure, they generally have not been promoted or adhered to by our government agencies. Tragically, the government continues to ignore the plight of those suffering from MCS, and MCS itself remains broadly unrecognised as a medical condition. Few other sufferers of any condition have to ask for simple recognition of their condition and the right to receive health care and treatment the same as other South Australians.

What we do know about MCS is that sufferers often suffer in silence and, of course, often in isolation. The statistics that do exist paint a very grim portrait. A national survey of MCS sufferers that was conducted by the Allergy, Sensitivity and Environmental Health Association of Queensland, in cooperation with the MCS reference group, highlighted the following statistics:

- Nearly half the respondents were totally disabled, with two-thirds unable to access disability and social services.
- 61 per cent were unable to access health services.
- 96 per cent were unable to access aged care services.
- 89 per cent were unable to access allied and respite care.

- Sadly, even when sufferers could access health care, 63 per cent did not have MCS hospital protocols implemented while they were in hospital.
- Of those who did, over two-thirds reported MCS hospital protocols were not successful even when they were implemented.
- Consequently, nearly 90 per cent of those patients reported that they live in either a high or medium degree of isolation.

This is not good enough. MCS sufferers deserve better and now is the time to take action to implement reforms that we know can and will assist people. I have previously asked questions of SA Health in the Budget and Finance Committee on what actions are being taken by the department in relation to MCS. In fact, in October last year, I asked the department to advise what action had been undertaken to ensure and resource the rollout of the existing MCS disability access guidelines that were developed in 2006. I also asked for commitments on what level of funding was set aside in the budget for it and whether or not the new Royal Adelaide Hospital would be implementing MCS access guidelines.

The response I received, nearly four months later, in February 2012, was unfortunately an indictment on a department that has not shown the same level of care and concern for MCS sufferers that it does for many other patients with more well recognised conditions and more obvious conditions. It is a further awful example of the disdain that MCS sufferers feel from this government.

SA Health reported that MCS hospital guidelines were finally approved in 2010 and are, in fact, due for review in 'early 2012'. There was no provision of any information about what funding, if any, had been set aside to facilitate the rollout of these guidelines. Correspondence with representatives and advocates for MCS sufferers indicate that these guidelines only apply if a patient specifically asks for them to be implemented, with little, if any, general awareness from staff about the guidelines otherwise.

As far as the Royal Adelaide Hospital goes, the response indicated that the best we can expect there is that the RAH is 'considering incorporating signage around the hospital relating to the issue of sensitivity to fragrances'. Sadly, reports from MCS sufferers indicate agreements and policies regarding fragrance controls are not being followed by the RAH currently, with the hospital displaying a total reluctance to take action on fragrance controls.

It is clear that, since 2005 when the Social Development Committee tabled its report into MCS in this state, little actually has changed for those living with MCS in South Australia. There is still no comprehensive medical or public information. There is still no education strategy for MCS. Medical and social research remains absent. There is no national position statement on MCS. Chemical products associated with MCS lack even the basic warnings, and chemical regulators continue to ignore MCS for the purpose of risk assessment. Sufferers get no assistance in purchasing and maintaining expensive disability aids, such as air and water filters and protective face masks, and community groups supporting those with MCS receive no state or federal assistance. Most grievously, people with MCS continue to be denied safe disability access to essential healthcare services. Outpatient and community-based healthcare services are entirely without MCS disability access strategies or, indeed, guidance.

It is disappointing that I need to bring this issue to members in this place today. This is not an abstract scientific debate about the causation of MCS: it is a fundamental human rights issue. The health, safety and, most importantly, disability access needs of those affected must be given consideration—and urgently—even as the science moves ever so slowly forward in a better understanding of MCS.

The motion I put today does a number of things. One is that it calls for immediate action from the government to progress an initiative which will not have any significant budgetary implications and which will not further tax an already stretched health budget. It does not require any expensive retooling, new buildings or fancy equipment, nor are there any other barriers to implementing it. I am, of course, referring to the simple matter of introducing controls on the use of perfume and aftershave in public healthcare facilities.

This is consistent with similar policies developed across the United States of America and Canada, and is in response to the fact that personal fragrances can form a major barrier to safe access to healthcare services for those suffering from MCS. Evidence suggests that organic

solvents and petrochemicals contained in personal fragrances may, in fact, even be a possible cause or contributing factor to MCS.

When I spoke at an MCS rally last year, I promised that I would take action and raise this matter. I subsequently did by raising this as a matter of interest in June 2011. I promised them that I would introduce a motion on multiple chemical sensitivity into this parliament as an essential step to guarantee that at least, at a minimum, some of the barriers to MCS sufferers in accessing health care would be removed.

Now is the time for action, not simply further words. We have had words from many members in this place, and I believe many members think that this issue has, in fact, been addressed. I certainly note the words of minister Gago previously when I have raised this issue where, of course, members would think, given the recommendations of the Social Development Committee and given the acknowledgement of this condition, that our departments in the public sector—in particular the departments that deal with health and disability access—are working to serve all South Australians. However, this is not the case.

I will not repeat the words of the motion now; as members can see, the motion is quite long and detailed. Obviously this has been done in conjunction with MCS groups in South Australia, groups which are to be commended for their work. Typically they are those who are least able to take action, the most vulnerable members of our community, the most isolated members of our community and, indeed, some of the most voiceless members of our community.

I hope that members will read this motion, take it back to their party rooms or caucuses, or indeed just into their own personal consciences, and redouble efforts to ensure that what we have said in the Social Development Committee's recommendations and in this parliament in previous years, and almost decades, is in fact being put into action within the public sector. I commend this motion to the council.

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

ESSENTIAL SERVICES COMMISSION (ELECTRICITY, GAS, WATER AND SEWERAGE PRICES) AMENDMENT BILL

The Hon. D.G.E. HOOD (16:04): Obtained leave and introduced a bill for an act to amend the Essential Services Commission Act 2002. Read a first time.

The Hon. D.G.E. HOOD (16:05): I move:

That this bill be now read a second time.

I rise to speak on the Essential Services Commission (Electricity, Gas, Water and Sewerage Prices) Amendment Bill 2012. We are all aware of the complaints from the public concerning rises in prices of electricity, gas and water, particularly the rises that have occurred over the last two or three years. Much has been said as to who is at fault and what, if anything, can be done.

Whilst some may say that nothing can be done I, for one, have become very concerned at the things I have been told by a number of constituents, as I am sure other members have in this place. I heard a complaint from one pensioner, for example, who has decided to shower only every second day to save the cost of hot water. I have heard from others who say that they have to live in an unheated house because the cost of heating is now too much for them. These are not isolated complaints; I have had many similar complaints, as I am sure other members have in this chamber.

I have looked at the cost of electricity, gas and water to see whether or not the price rises have really been of such magnitude to justify these consequences. Using figures available from government sources where possible, I calculated that the increases in prices in recent years are as follows: over the last three years, namely taking account of increases in the financial years commencing July 2010, July 2011 and July 2012, the cumulative increase in the cost of electricity for an ordinary consumer has been 62.8 per cent. The corresponding cumulative CPI for the preceding respective periods was just 7.4 per cent. Over the same period, the price of gas for an ordinary household has increased by 38.1 per cent against the same CPI increase of 7.4 per cent. Finally, over the same period, the price of water, excluding sewerage charges, for an ordinary consumer using 190 kilolitres of water per year has increased 94.5 per cent, and that is 12.8 times the rate of CPI over the same period.

We need to look back to the events beginning in early 2002. I see that as the beginning of the present situation because in that year the Essential Services Commission Act was passed—a

worthwhile measure in its time I believe. One purpose was for the commission to set prices for the sale of essential services. Section 6 of the act provided that the commission must:

...have as its primary objective protection of the long term interests of South Australian consumers with respect to the price, quality and reliability of essential services...

Essential services were defined as including, amongst other things, electricity services, gas services and water services, although the required declaration for water services was not made until very recently and the government itself has continued to set water prices over those years.

In the lead-up to the 2002 election, on 4 February 2002 an *Advertiser* report on election promises by the then opposition leader, Mike Rann, stated:

A new plan to cap electricity prices and reduce blackouts through better maintenance has been used by Labor to kickstart the vital final week of its election campaign. In announcing the details yesterday, Labor leader Mike Rann said an Essential Services Commission would be created to monitor power generation companies as well as the operation of other services such as water and gas.

'Electricity companies must be able to make fair and reasonable returns and profits that encourage reinvestment and provide for contracts to be honoured,' he said at the party's campaign launch at Adelaide Oval, which included former prime ministers Gough Whitlam and Bob Hawke. 'But we will not tolerate South Australian families and businesses being unscrupulously exploited by anyone,' went on to say Mr Rann.

The Advertiser report then continued:

After Mr Rann's speech, Labor Treasury spokesman [then opposition Treasury spokesman, of course] Kevin Foley described the plan as 'a big stick' to the privatised electricity companies. 'We want to tilt the playing field back towards the consumers,' he said. Mr Foley said he hoped the powers would never have to be used and if the generators and retailers in South Australia aimed for a fair and reasonable profit they had nothing to fear from Labor. 'But we cannot—and will not—sit back and watch families get hurt, businesses get hurt and lose jobs because the privatised electricity companies are running rampant throughout our state,' he said.

It is now clear that we are watching families get hurt by those increases—the very increases predicted, if you like, by the then opposition leader, Mike Rann, and the opposition Treasury spokesman, Kevin Foley. They simply cannot continue at the same rate. I have no doubt the government introduced these measures with the right intention, but they simply have not served their purpose in the way they were intended. A later report in *The Advertiser* on 21 November 2003 said:

The state government has warned it will change the law if necessary to prevent further electricity prices next year. 'There is no way power prices will be allowed to rise again next year—it's not going to happen' Energy Minister Patrick Conlon said yesterday. Premier Mike Rann also weighed into the debate, labelling electricity companies seeking further increases as 'greedy bloodsuckers' and telling them to 'get stuffed'. The Government delivered the strongest message yet it would not tolerate further increases and would amend legislation if that was needed to stop a price rise.

From government statements made back in 2002 and 2003, one gains the clear impression the government was determined to keep the price for essential services within reasonable bounds. Although various explanations for the increases in prices have been given, I do not think anyone would regard the prices I have quoted a few moments ago as reasonable for ordinary people, or indeed for anyone, in this state. It is the government's responsibility to put in place a better system.

The government has made an announcement that it will limit water price increases to the CPI or thereabouts for the next three years. We support this; I have no doubt the chamber supports it. This only applies to water and not to electricity and gas. We need a means of keeping a real check on the future increases for essential services in this state. Of course I am well aware that money paid by consumers for gas and electricity generally goes to private companies rather than to the state government, and this makes price regulation more difficult.

It was the job of the Essential Services Commission to protect consumers in exactly this situation. It seems the me that this has not occurred. Whilst the capital expenditure of the desalination plant has served to increase water prices, I do not accept that there has been any corresponding reason for the massive increases that we have seen in the prices of gas and electricity. The carbon tax adds to the price, but that alone does not explain the majority of price increases. The information I have seen indicates that wholesale prices do not explain the increases we have seen. Indeed, wholesale prices have risen by approximately 50 per cent over the period, and retail prices by substantially more.

It is because of the huge price increases for electricity, gas and water, which seem to be completely out of proportion to the general increase in the prices, that I have introduced this bill. It provides that, if the Essential Services Commission decides to fix a price rise that is more than

double the consumer price increase for the period immediately preceding the decision, each house of parliament has the option of disallowing the rise. The matter would then go back to the commission to make a further decision. The debate in the relevant house of parliament would indicate the general mood of members, and this would enable the commission to understand the relevant parameters within which it can take a final decision or another decision.

I acknowledge this is a drastic option, and one that some people will criticise. I would find it much easier to accept that the rises we have just seen must be justified because the commissioner must have taken all matters into account, but the size of the rises indicates to me that something has gone horribly wrong with this process. I say that something has gone wrong because I hear from constituents, particularly pensioners as I mentioned, that they are at their wits' end worrying about electricity, gas and water bills. One elderly lady has decided that she will take a hot shower only every second day because of the cost of hot water. A number of pensioners in particular have told me they no longer heat their homes in winter because of the cost. They watch TV in the evenings with a blanket wrapped around them and nothing else, still shivering in some cases. We all know what a danger summer time heat can be for the elderly if they cannot afford the cost of cooling their homes during a heatwave. We must ensure that essential services are affordable for everybody.

The working provisions of this bill are quite simple and do not require any further explanation beyond that given above. The definitions, however, can be rather complex because of the need to compare the periodic price rise with the CPI rise in the preceding relevant period. The bill takes into account the provisions of section 17 of the Water Industry Act 2012, most of which was proclaimed to come into effect on 1 July this year. That section provides that the water industry is declared to constitute a regulated industry for the purposes of the Essential Services Commission Act. That ties in with section 25 of the Essential Services Commission Act, which provides that the commission may make determinations regulating prices for services in a regulated industry. The consequence is that in future the commission is entitled to make price determinations as to the price of water.

In summary, let me say the following. I accept that it is not ideal to have the houses of parliament given the power to disallow prices determined by the Essential Services Commission. I would have preferred that it did not come to this, but some action is necessary. We have people who cannot afford to shower, cannot turn on their heaters and cannot turn on their air conditioners. The price rises over the last few years have been clearly over the top. It would be irresponsible to stand back and allow this to continue. Parliamentary supervision of the process is the only realistic, independent solution to this very serious problem that we simply must face up to.

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

NATIONAL HEAVY VEHICLES REGISTRATION FEES

The Hon. R.L. BROKENSHIRE (16:15): I move:

That the regulations under the Motor Vehicles Act 1959 concerning national heavy vehicles registration fees increases, made on 31 May 2012 and laid on the table of this council on 13 June 2012, be disallowed.

I do not move this motion without serious thought. It has not been moved lightly; that is, the disallowance of the heavy vehicle registration fees.

The Hon. R.I. Lucas: So, some of your motions are moved lightly?

The Hon. R.L. BROKENSHIRE: No, none of them are moved lightly. Most of them are moved with a heavy mind and, when the government's budget is going to be affected, with a heavy heart. On this occasion, I cannot have a heavy heart for the government because the trucking—

The Hon. R.I. Lucas interjecting:

The PRESIDENT: Order! You might want to stick to heavy vehicles.

The Hon. R.L. BROKENSHIRE: Thank you, sir. I get a little bit misled by the Hon. Rob Lucas now and again. The fact of the matter is that, to be very serious about this, the trucking industry is paramount to South Australia. In fact, given the geography of South Australia and the vast distances, without a viable trucking industry this state would grind to a halt very quickly, particularly when it comes to rural and regional South Australia. Therefore, many of our constituents, and myself as a legislator, have been very concerned about increased costs in the trucking industry.

Before talking about the motion itself, I would remind members that the trucking industry faces other imposts that will make it more difficult for profitability: one, higher fuel costs and the fuel differential between metropolitan and regional areas—members may recall that in the last Foley budget they cut the differential of state discounts between metropolitan and regional areas, and therefore there is an even larger differential now for country people—and two, the 1 July 2014 additional of diesel to the carbon tax mixture of the Gillard government.

I read with interest a May circular of the National Transport Commission, which is the intergovernmental body responsible for transport issues, funded 65 per cent from the states and territories and 35 per cent from the federal government. One of the National Transport Commission's responsibilities is to set national heavy vehicle registration fees. The May circular of the National Transport Commission stated that there would be a community service obligation rebate on the new registration fees to offset the impact of the latest fee increases with respect to country or rural double road train operators, they would receive a 25 per cent discount, and the new rural triple road train operators would receive a 30 per cent discount.

Either the National Transport Commission has now reneged on providing a community service obligation payment to country operators, which is in breach of its May circular promising the same, or the state government has pocketed that community service obligation without passing it on, since transport operators advise my office that as yet they have not been made aware of the means by which they can either claim the rebate or as country operators they have a differential registration benefit from the rebate being built into their registration cost.

All of these registration and fuel costs for the trucking industry are clearly passed on to the purchasers of freight, in many cases small businesses and farmers. A small business might, theoretically, but most likely not, be able to pass that cost on to their customers, but clearly a farmer cannot. With these so-called national fees it is interesting to note that Western Australia and the Northern Territory have gone their own way on these, imposing a lesser fee. It seems that those two governments, and to a similar extent Tasmania, do not want to toe the line on the National Transport Commission policy.

We will be debating the Hon. Stephen Wade's motion about interjurisdictional agreements later on. This is a classic example of where ministers go interstate to sign off and then bring in imposts that are not in the state's interests. With the registration fee differential, some trucking businesses that operate in both states are clearly seriously considering registering interstate. I know already that where trucking industries have depots in several states they are choosing more and more to register the majority of the trucks interstate. I am not going to name the companies that I am well aware of. I have raised this with the government before and it is up to the government to pursue it. You cannot blame those companies for doing that when you are looking at thousands and thousands of dollars per truck in cheaper registration. In fact, it will now be $6,000 a year less to register a B-double in Western Australia than it will be in South Australia.

I note with interest the work of the Australian Trucking Association in a paper published in the last month, where it analysed the current National Transport Commission fee structure enshrined in this regulation which I am now seeking to disallow. It says that South Australia would recover $108 million under these charges even though the amount attributable to South Australia is only $71 million. So what is happening with Treasury, as I understand it, is that there will be a windfall gain to the state Treasury and the coffers therefore of $37 million.

It also found that it would require the Northern Territory to recover over double what should actually be attributable to trucks registered in the Northern Territory. Western Australia would over-recover almost half of what was attributable to its trucks. In fact, every state and territory except the ACT would over-recover what the Australian Trucking Association calculated was actually necessary. Nationwide, you are talking of an over-recovery of $409 million. Naturally, the trucking industry is very upset about a revenue scenario through registration costs that is said to reflect trucks' impact on roads but in reality represents revenue raising from an already stretched industry facing a big hit from the carbon tax in mid-2014.

The last point is that I understand the industry here in South Australia has sought to work cooperatively with the government to achieve the revenue figures it wants. It is not as if the trucking industry is not prepared to carry its fair share. It is somewhere between the $71 million actually required figure, according to the ATA (Australian Trucking Association), and the $108 million projected figure, but a figure that the government is seeking to raise through the fee structure represented in this regulation. However, the structure proposed by the industry sees the pain spread more evenly and not as dramatically across the trucking industry in South Australia.

In conclusion, I call upon the Weatherill government: (1) to work with the trucking industry here in South Australia to achieve a more reasonable outcome; (2) to chase up where the National Transport Commission's community service obligations payments for country trucking operators have gone; and (3) to come up with a fairer, more reasonable fee structure that does not generate a windfall gain for state and federal governments.

At this point in time and probably more than ever in recent history, we need to look after our businesses. Transport is the backbone of all businesses in this state. We cannot get our farmers' produce off at a reasonable price if they are going to be forced to change the size of trucks that come to pick up the grain, milk, beef and other produce. I am appealing to the government to revisit this. I say to my colleagues that the government should have plenty of time to start to open transparent dialogue with the trucking industry over the next couple of months.

I give notice to the house that if the minister has not addressed and fixed this matter with the trucking industry in the interests of all South Australians—because this will go right through to the shelf in the retail sector and hit again all South Australian constituents if the government is not prepared and does not see the wisdom in doing this—then whilst I do not very often move disallowance motions that are going to affect their revenue, on this occasion I will be appealing to my colleagues to consider this and put it to a vote on Wednesday 5 September.

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

SELECT COMMITTEE ON HARVESTING RIGHTS IN FORESTRYSA PLANTATION ESTATES

The Hon. R.L. BROKENSHIRE (16:24): I move:

That the report be noted.

It does not give me pleasure to talk on this final report into the privatisation of three forward rotations of the South Australian pinus radiata in the South-East. I am very excited about this because I am disappointed that we have had to move for this select committee and that we are now having to speak about its report.

First and foremost, I would like to recognise and thank all my colleagues who were on the committee. In no particular order, although probably by virtue of the amount of time spent on the committee, I would like to acknowledge the work of the Hon. David Ridgway and the Hon. Jing Lee. I would like to acknowledge the work of the former minister and member of this council, the Hon. Paul Holloway, who was on the committee for part of the time, and also the Hon. Russell Wortley, who was also on the committee for part of the time prior to being promoted. I would like to genuinely thank the Hon. John Gazzola and the Hon. Gerry Kandelaars, who took up the reins for the government on this committee and cooperated—I put on the public record—in supporting many meetings and looking at all the submissions and everything. I thank those honourable members for that.

I also want to thank all the organisations and individuals who took the time to present both written and oral submissions to the committee. I particularly thank those who came down to Adelaide on a couple of occasions to give further evidence at the request of the committee, and they are Dr Jerry Leech and Mr John Ross. They were very cooperative with the committee, as was everyone who gave evidence. I think it is important to formally thank and acknowledge in *Hansard* all of those people.

The Hon. D.W. Ridgway: What about the staff?

The Hon. R.L. BROKENSHIRE: I am about to get there. They are all keen to thank the staff, and they will have their opportunity. This committee would not have been able to come up with such a comprehensive report if it were not for the staff. I want to thank Mr Guy Dickson, one of the unsung heroes in this parliament when it comes to the dedication of staff to members of parliament.

I also want to thank Ms Margie Morrison for her excellent work in writing the report. It is not easy for staff and researchers to find suitable dates for hearings, let alone get to a point where we can now talk about this report, so I genuinely thank them for their ongoing work in supporting us as members of the Legislative Council.

I just want to touch on the key points of the report. I have highlighted most of this since it has been tabled publicly anyway in every television, radio or print media that I could possibly find. I see this as one of the most outrageous decisions made in the modern history of this parliament: privatising 100 years of our forests. I know that government members will have a crack about the

fact that ETSA was privatised after about 100 years, but there is one big difference between the two that I want to put clearly on the public record, and that is that for ETSA to be privatised or leased out it had to come before both houses of parliament and it had to have a majority of the members of parliament support the sale process and the sale as a concept.

Unfortunately, the parliament did not have the opportunity in this instance because the government used a loophole with respect to the privatisation to get around having to bring it through the parliament. I appreciate and want to thank all my colleagues who supported the motion to allow this select committee, and they did it, I say, because they had concerns about whether or not it was in the best interests to privatise three forward rotations.

However, the South Australian community is clearly disappointed. The government can do some sensible backflipping here and withdraw from any further sale process. It is not too late for the government to be able to do that. That is another reason why the committee has gone so hard to get this second and final report tabled before we get up for the winter recess. Even though the government has called for expressions of interest, it is still several months away from getting anywhere near signing off on a contract with a successful bidder, so there is time for the government to have a proper and thorough look at this.

I recognise that the Treasurer, the Hon. Jack Snelling, has on this occasion acknowledged on radio and in the print media today that he would have a careful look at the recommendations, although from the start he has been very dismissive of the select committee. I encourage the Treasurer to have a very, very careful look at the recommendations because I think that he now has an opportunity—and there are about 200 pages of documentation, including the report—to look at this in hindsight from the point of view of what really is in the best interests of the state and not just at the whim of Treasury, which put this up as a concept in the first place. It was put up as a concept when the Liberal government was in office, but that government decided not to proceed with this for the reasons that are clearly shown in the report.

ForestrySA this year allegedly will have a significant reduction in its net return to Treasury, but, unfortunately, it does not matter whether you are in government or whether you are in business today, profits are back. When you have a situation that we see in South Australia and Australia at the moment where new starts in the housing industry are very low and construction generally is way below where we would all want to see it, that is why the alleged return to government from the 2011-12 year will be back on other years, and maybe back to around $25 million or $23 million.

However, notwithstanding that, if you actually include that and average out over the last 10 years, or thereabouts, it has still returned, as I see it, in excess of $40 million a year net to Treasury; and on top of that it has provided community service obligations, particularly with respect to firefighting capability, about which there is a real question mark considering the evidence we have. Even though the government says that it is going to retain it, it is one thing to say it, it is another thing to ensure that it occurs.

There is also a question mark around silviculture when it comes to growth opportunities and a forestry plan, because for 100 years now the fact is that ForestrySA has owned a large percentage and continued to grow (and still has in the last budget an opportunity to buy more land), but the fact of the matter is that ForestrySA as a government-owned entity has underpinned the growth opportunities for forestry in South Australia, as well as the research and development opportunities and the integration between the whole forestry industry. It plays a very, very important role.

I pay tribute to all the ForestrySA workers and to the former board of ForestrySA, particularly the chair, John Ross, who was not reappointed. I believe he was not reappointed for one reason; that is, because he is an honourable man who knew about the charter of ForestrySA, understood his responsibilities under the federal and state acts of parliament and therefore was not in agreement with the concept of privatisation. For that, for being an honourable South Australian, Mr John Ross got absolutely shafted and was not reappointed to a position that he had demonstrated enormous capability for over many years.

Dr Jerry Leech, from the evidence as I see it, is one of the most qualified forestry valuers in the world and frankly, in my opinion, Dr Jerry Leech should have been engaged before ACIL Tasman when it came to consideration about whether or not it was in the best interests of the state to (1) privatise and (2) if they were to privatise, what the value of the privatisation should be. It is clear for all to see that the base value minimum of ForestrySA for sale purposes, if it is to

proceed, should be at least $1 billion and upwards of that to potentially $1.1 billion to $1.2 billion. Yet, we understand that the figure it is going to be sold at will probably be about $600 million to $700 million.

If they get $700 million or anything above that, I foreshadow that the government will be out there singing the praises of what a great decision it is, because while the talk in the media is about $600 million they will say they have reaped an additional $100 million for the sale. I would say that even if they get $700 million they will be foregoing at least $300 million worth of asset to South Australians at a minimum and possibly as much as $500 million. That does not take into account the growth opportunities in the mid and long term when it comes to the net returns to government, which the CEO of ForestrySA advised the committee would soon be at about $50 million a year. In fact, for the 2010-11 year it was $48 million. It was only this year when it came back.

If you look at the risk factor, which is one of the things that we considered as a committee, the government's line through Treasury was, 'We've got to get rid of this because it is a risk to the South Australian taxpayers to continue to hold at this great asset.' It has not been a risk for 100 years: it has been an asset for that 100 years. Suddenly the argument was—

The Hon. D.W. Ridgway: A sort of future fund really.

The Hon. R.L. BROKENSHIRE: —that it was a risk, and I will leave the honourable Leader of the Opposition to talk about the future fund in his comments. I want to also say that it is interesting that the government say that it is a risk to keep it and they have to sell it off, when Labor federal MP from Tasmania Mr Dick Adams chaired a committee of the federal parliament which identified—and this has gone into evidence as I recall—that forestry is anything but a risk. In fact, the report showed that it has a very bright future, which you can understand because it is a renewable sustainable environmentally friendly industry.

It is also worth putting on the record that during the time that we were deliberating on the select committee the federal government apparently indirectly have a lot of money invested in possibly putting a contracting bid in to buy our South Australian forests through the money that the Australian future fund has in the Canadian international conglomerate that I understand is one of the companies internationally that has shown an expression of interest in buying these forests.

This is an important committee. The evidence is there. I do not want to spend a lot of time on it now because other colleagues want to speak and the community will have an opportunity now to have a look at it because Mr Dickson has advised me that it is already on the parliamentary website. There have been enormous protests in the South-East and on the steps of Parliament House here. A lot of energy and effort has been put in by many South Australians, especially those who live in the South-East, and those who have the knowledge of the forestry industry. Those people had every right to protest and they have every right to be concerned.

Not only should they be concerned but, as we get this out into the public debate, if the government proceeds with this sale, I believe that members of parliament who read this report and are concerned should use as much energy as they can muster to remind all South Australians that this government has broken a fundamental pledge—or, as the Hon. David Ridgway has said, a decree. This occurred in 2002 with the former premier's pledge card and then in 2006 when there was another commitment about no more privatisations. When the Hon. Jay Weatherill became Premier, I thought he would have backflipped on this (and he would have received accolades for it), but sadly he has now effectively signed off on it as well. So he has his DNA over this, as did the former premier. In other words, this government has broken a promise to the South Australian community not to privatise.

The Hon. I.K. Hunter: What a load of garbage.

The Hon. R.L. BROKENSHIRE: The Hon. Ian Hunter, the minister, says, 'What a load of garbage.' I ask the minister to go to the seven marginal seats that they want to hold at the next election and doorknock those seats, because there will be other people doorknocking them from the other side, tell them that it is a load of garbage and see what they say. It is interesting even today on the ABC 891 Ian Henschke program that the people ringing in were from Adelaide, Plympton Park and the foothills, outraged at the fact that they were privatising the forests. As long as the effort is put in, then people will make a decision on this as part of their deliberations at the next election.

I would appeal to the government to make its deliberations now based on not necessarily what is just in its interests over the next two years to get over the line in the second Saturday in March 2014—

The Hon. D.W. Ridgway: The third.

The Hon. R.L. BROKENSHIRE: The third Saturday in March 2014. I will be there on the second and the third Saturday, I am that keen for the election. The fact is that we need government that shows responsible management for the state's mid and long-term future as well as the shorter term. Clearly, the evidence shows that this government is not showing that responsibility. There are findings and recommendations in this report. There are 22 recommendations. The first recommendation is that the sale not proceed, and that is something that the overwhelming majority of members on the committee agreed to.

Members interjecting:

The Hon. R.L. BROKENSHIRE: Absolute majority. Two of the members wrote a dissenting report and, as I have already said, they are very good foot soldiers for the government. In fact, I would suggest that both of them should and probably will be promoted within the next year or so, because they are very good foot soldiers. However, deep in their hearts I am sure that they know that the government has made a very bad decision to privatise these forests, but of course they cannot speak out against the government, for the reasons that we know. I do not hold the honourable members who put in a dissenting report responsible in any way at all for the government's decision. I hold the government and particularly cabinet responsible, because the loyal foot soldiers were put on this committee simply to do a job for the government.

In conclusion, firstly, certainly no sale should proceed. Secondly, if a sale is to proceed—and, as I said, there are 22 recommendations—the majority of the committee believes that the Auditor-General should have a thorough look at this whole process, including not only the concept and decision to privatise but also the prudential management and the probity in the privatisation, and report to the parliament on that.

At the moment, apart from our committee, the only people really guiding the government on this are Treasury. I think it is fair and reasonable that one of the other recommendations in the report is that, if they do proceed—and I hope they do not—and it is sold, once it is sold the government shows the South Australian community, by tabling in the parliament in both houses, the valuation recommendation for the sale so that we can see exactly where the transparency is. The other key point is that if the sale does not proceed the government must back ForestrySA to expand its estate, as it was doing before the privatisation process began.

Whilst in the last few years, when the managed investment schemes were running rife, it was difficult to buy land to further expand silviculture, the fact of the matter is that now is a prime time to buy land and expand silviculture. If the government does not proceed with the sale, the majority of the committee and I would like to see it fast-track growth opportunities for the industry. The rest of them I will leave for members to have a look at.

Again, I want to thank all my colleagues on the committee. I want to thank the Legislative Council for allowing us to investigate. This is the most thorough and transparent work that has been done on this privatisation. I thank the staff and those who gave evidence. I want to say one more thing: I did personally push hard for an amount of the sale proceeds to be dedicated to the South-East. Unfortunately—

The Hon. R.I. Lucas: Lower or upper?

The Hon. R.L. BROKENSHIRE: The Lower South-East, primarily the Lower South-East.

The Hon. R.I. Lucas interjecting:

The Hon. R.L. BROKENSHIRE: There is a green triangle—

The Hon. R.I. Lucas interjecting:

The Hon. R.L. BROKENSHIRE: Well, the last person I would have thought who would oppose any support to the Lower South-East is the Hon. Rob Lucas, who was born and bred, obtained his knowledge opportunities to be in this house from living in—

The Hon. R.I. Lucas: That's untrue.

The Hon. R.L. BROKENSHIRE: You weren't born in Mount Gambier?

Members interjecting:

The Hon. R.L. BROKENSHIRE: Anyway, he was brought up in Mount Gambier and should have an absolute passion for Mount Gambier. I would have thought that the Hon. Rob Lucas would absolutely support a dedicated fund. However, as it is, the two major parties on this occasion did not support that. I will continue to argue that there should be a fund, as there is in the Riverland—look at the grant opportunities and expansion there—and that the same thing should be happening down in the South-East. By pulling 100 per cent of the money out of the South-East, it makes it very difficult for them to be able to bring in new businesses, new economic opportunities and infrastructure.

Having said all that, I commend the report to the house, and I trust that the wisdom of the Treasurer will prevail here and that he will go into cabinet after looking at this and say, 'We have broken a promise. This is not in the state's best interest. We will withdraw and retract this privatisation and look at growing forestry in the state with a positive and proactive plan for the future.'

The PRESIDENT: It's a repeat of the speech you made when they privatised ETSA, I reckon. The Hon. Mr Ridgway.

The Hon. D.W. RIDGWAY (Leader of the Opposition) (16:48): I rise on behalf of the opposition, and the Hon. Jing Lee has given me the opportunity to speak on behalf of the opposition. I will, firstly, give thanks to all the members of parliament involved: the Hon. Rob Brokenshire, the Hon. Ian Hunter (I looked on the record a moment ago and he was a member), the Hon. John Gazzola, the Hon. Gerry Kandelaars, the Hon. Paul Holloway, the Hon. Russell Wortley and, of course, the two people who stuck with it all the way, the chairperson, the Hon. Robert Brokenshire, and my colleague the Hon. Jing Lee.

The Hon. J.M.A. Lensink: Yes, you were committed.

The Hon. D.W. RIDGWAY: We were committed and dedicated to the South-East. I also thank the secretary, Mr Guy Dickson—thank you for your hard work—the research officer, Ms Margie Morrison, and also Hansard, as we had a lot of meetings, particularly in the South-East where we had a site visit, and they were there for that as well. I do appreciate the effort and support the staff put in and also the commitment from the government, albeit somewhat lacklustre and with a baton change every now and again; I thank them for their contribution.

I think it is important for members to realise where this all started. Back in late 2002, the Hon. Rory McEwen was made a minister by the Rann government. Premier Rann said that this was a wonderful thing to have—that this was his rural voice in cabinet; it was his rural conscience in cabinet.

The Hon. Rory McEwen had a number of portfolios, but one of them was agriculture, food and fisheries, and there was also forestry. The Hon. Rory McEwen gave evidence to the committee, and the exchanges were somewhat heated in that committee. He said at that particular time that he had never ever agreed to the sale of the forests but that he did agree to an investigation into the capitalisation of the forward revenue. What is the capitalisation of the forward revenue? It sounds like gobbledegook, which it was.

This morning, on South-East radio, I made some mention of this, and Mr Stansfield said, 'But I heard Mr McEwen give evidence to say that he did not agree to the sale; he just agreed to the investigation.' I put it to Mr Stansfield and the listeners and to you here today that Rory McEwen was the gatekeeper for the people of the South-East in relation to the forests, and he left the gate open. Once he let Treasury in and once he let in cabinet and the rest of the lunatics in this government who do not understand how important the forests are, the horse had bolted. We are now here today because of that. Not only was he Mike Rann's conscience in cabinet but he was also Mount Gambier's conscience in cabinet.

The Hon. R.I. Lucas: I reckon he was unconscious!

The Hon. D.W. RIDGWAY: Unconscious! So, in the end, we were faced with the situation where he gave consent as minister and it was put into the Mid-Year Budget Review that we would have an investigation into the capitalisation of the forward revenue. By March of the following year, 2009, the Hon. Rory McEwen said, 'I'm resigning from cabinet. It is time to step down and give the new blood, such as the Hon. Russell Wortley, Hon. Ian Hunter, the Hon. Gail Gago and others, or somebody else from the House of Assembly, a crack at being a minister.'

Interestingly it was the sixth year anniversary that he stepped down. I do not know what that really means, but it was six years from when he first became a minister. So, he was gone from cabinet when that final decision was made. So, not only did he as the gatekeeper leave the gate unlocked but he then shot through and did not care what happened to that gate.

We then were in the situation where the government had run the state almost into the ground financially. We heard Michael O'Brien, the minister for finance at the time, saying at the public meeting in Mount Gambier, 'Well, we have to borrow to pay the wages. If we were a normal business, the bank would have foreclosed on us. It would have taken away the chequebook.' This is the sort of mess that confronted the government. I pointed out also this morning on South-East radio that, during the decade in which we have had a Labor government, Rory McEwen was a minister for six of those years. So, Mount Gambier's local boy—their conscience and their gatekeeper—sat there while this budget spiralled out of control and then shot through.

So we had such a mess financially that the government of the day decided that it had to proceed with the forward sale, and that is where this select committee was born—that is, from that ridiculous decision, which the opposition has never supported. Of course, the Hon. Robert Brokenshire has not supported it and nor have members on the crossbenches. As a result, we were able to get the select committee established.

It is interesting to look at the value of the asset. There is some discussion in the media these days about its value being $600 million to $700 million. I did hear off the record that it may be worth as little as $400 million. For 100 years of community investment, $400 million—

The Hon. J.M. Gazzola interjecting:

The Hon. D.W. RIDGWAY: The Hon. John Gazzola scoffs at it. We are seeing figures between $400 million and $700 million. We heard evidence from Dr Jerry Leech, who said it could be worth up to $1.1 billion, $1.2 billion or even $1.4 billion. I will be very interested to see what the final price is.

It is interesting to look at some of the Premier's recent comments about how he would like to think that, at some point in the future, we may establish a future fund for South Australia. We may invest some of the wealth from the mining boom that sadly has not arrived. I am sure it will one day but it will not be in the form that the government has been spruiking about for the last decade.

Premier Weatherill wants to establish a future fund. Well, we already have one. We have a future fund and it is called South-East forests. We have, as a community, invested in those. In fact, my mother used to have SAPFOR shares. You could invest some money, they would plant an acre of pines and, 30 years later or as they thinned them, you would get a bit of a return. Mum had four or five acres of pine forests that she used to get little dribbles of money out of. It was something that the community actually invested their money in and now, of course, it is gone or about to go, yet the Premier is saying we should have a future fund. We have got one and he is sort of talking around in circles.

I know the Hon. Gerry Kandelaars, when he makes contributions on the poorly put together government dissenting statement, will say that the forestry profits are now down to $25 million a year and they have come back from $40 million. The Hon. Robert Brokenshire is accurate in saying that, on average, it has been about $40 million a year. The high dollar and a few things are affecting it at the moment but, at the end of the day, forestry is a long-term investment and whoever buys it will be buying it for 100 years. So, we are selling 100 years; you have to take a long-term view. The Treasury and the government today are taking a very short-term view. They have got themselves into a mess financially, they have committed to some things they cannot afford and, sadly, we will see the forests being sold probably to pay for Adelaide Oval—that is about the balance of it.

You have to remember that we have state debt predicted to be at $13 billion by the next election, which has already factored in the sale of the forests. So, we are still going to owe $13 billion and we have sold that asset. As I commented yesterday in my appropriation speech, both the forests and the lotteries will be gone by the next election and we will still owe $13 billion. If members opposite think that is a good situation to be in, they are dreaming and they should be ashamed of themselves.

I would like to quickly make mention of the site visit. I thought going down to the people in the South-East was an important thing to do. We had a number of them give evidence and we had

some site visits to the local timber mills who are very concerned about the supply of logs. Most of them are small family businesses that have grown out of the privatisation of the sawmills because, in the early days, all that used to happen was that the big logs were sent to the mill and everything else was burnt and got rid of.

Once the mills were privatised, there was an opportunity for the smaller sawmill operators to operate. We saw Whiteheads and Forsters and others that have grown very successful businesses, if you like, using a second-tier supply of timber. McDonnell's are another that are quite concerned about their supply of logs—that is their number one concern. I remember having a discussion with one of the them who was roughly my age. He had a son who was doing an MBA. He wanted to come home to the family business, but he could not get a supply of logs. It would be more than about, I think, eight years, yet he needed to spend in excess of $5 million upgrading all of their equipment. He said, 'The bank will not lend me the money on an eight-year contract to supply logs.' The real concern with the sale of the forestry is: what does it do to those operators who have grown businesses through hard work and grabbed an opportunity? They are the ones that we saw would be at risk.

I am still not sure that they have any comfort but we did see, after some agitation, the government establish a roundtable. Industry representatives, community representatives, the local government and, I think, the CFMEU were involved on it, so it was seen to be a pretty broad group of people. They were, as the Treasurer said, asked to come up with the non-negotiables for the community, the issues that had to be taken into account before the sale could proceed and would put the community at rest.

It is interesting to look at how that was put together. The round table was asked to sign confidentiality agreements, so they could not talk to anybody. We had letters to that effect provided to the committee from Mr Trevor Smith which state:

> ...the Roundtable unanimously determined that the sub-committee report be endorsed and the agreed Conditions of Sale as drafted and presented at the meeting of 15th May, along with such other correspondence and documentation agreed to at the meeting, now proceed to be incorporated within the appropriate contractual documents.

He goes on to thank the round table for the opportunity to make a contribution and further states:

> ...we also acknowledge the Treasurers demonstrated commitment to ensure this process would be transparent and would accurately reflect agreed provisions being enshrined within the contractual obligations of a purchaser of the plantation resource.
>
> I look forward to continuing to work closely with you to finalise the necessary outstanding requirements.

The government released an information memorandum to the market that has all those details in it. The round table claim all the information is on the Treasury website and I am sure the Hon. Gerry Kandelaars will say, 'It's all up there; it's all been agreed to,' and 'It's published; it's on the Treasury website.' I have a letter from Mr Brett Rowse, the Under Treasurer, to Mr Guy Dickson, the hardworking committee secretary, which states:

> Further to your letter dated 24 May 2012, please accept this response to the question asked by the Hon. D.W. Ridgway...regarding costs incurred in the divestment of the harvesting rights [of ForestrySA].
>
> As at 1 June [this year], the costs incurred...have been $4.049 million comprising salaries of officers [within Treasury] and...other consultants.

The most important point is:

> With respect to your further direction to request a copy of the Information Memorandum provided to successful [expression of interest] applicants, I am advised that information within this document is commercially sensitive and release of it, could prejudice the State's ability to maximise the public benefit of the forward sale transaction.
>
> As such, I am advised to resist production of the Information Memorandum as it is contrary to the public interest...

On the one hand you have the round table and the Treasurer's website saying, 'It's all there; it's all published. There's nothing to hide; this is what we've all agreed to,' and on the other hand you have a secret document going out to the market to say, 'These are the conditions under which we will sell the forests,' but they cannot release it to the committee or the public.

I accept that maybe some small part of the actual payment details regarding the transaction and flow of cash from the successful purchaser to government might be confidential, but surely the details of that information memorandum should be made public and, if they are not

public, then you would have to ask yourself what is different between what is published on the Treasury website, the round table recommendations and that information memorandum. Mr Rowse, as late as 4 July—so only 13 days ago—says, 'I am not able to release it.'

I think all of us would be very suspicious about why they are not prepared to release that information. There has been supposedly a very open and transparent process, and I suspect that all the information from the round table that they have provided to Treasury has gone up on the website, but this is the final document and we may never see it. That is the one that I am worried about and some of the recommendations do reflect that. We will come to the recommendations shortly, but one of the recommendations is that we should have those conditions enshrined in the Forestry Act, so that parliament gets to decide on the sale.

The government can sell it but those conditions should be in there. We did it with ETSA and I have double-checked. The member scoffed at me last meeting, but I have just looked on Spark Infrastructure's site—which, of course, is the new name for ETSA—and it was a 200-year deal. It was not a 100-year deal. It was a 200-year deal, but it went through the parliament and I just put that on the record. It should go before the parliament for a 100-year deal.

I would now like to move on to the recommendations because I think they are important and, of course, the Hon. Rob Brokenshire has touched on a couple of them. I will not go through all of them, just the key ones that I think are important to me, and certainly the first one—that the sale should not proceed. It was clear that there was no community support for it. The majority of the committee, 60 per cent of the committee—

An honourable member: An overwhelming majority, three out of five.

The Hon. D.W. RIDGWAY: These people, they are students of politics and they think that a 60-40 win is not a smashing, Mr President. It is a smashing; it is a 60-40 split. The forestry sale should not proceed. And, of course, before making a decision to sell, the cabinet should be provided with an appropriate comparison between the sale price and the reserve price for a like for like basis. We do not know what information cabinet is going to get. We have a minister for forests who sits in this chamber who says, 'It's nothing to do with me: the Treasurer is handling it.' With all due respect, the minister did not even know what the rotation length was. When she was corrected by her own office, she still got it wrong, so that shows what little understanding she has. The third most senior person in the government cannot tell you what the rotation length of the forest is, even when she gets advice from her own office, so I am very concerned. The next recommendation I would like to highlight is:

> 5. Where appropriate the Treasurer must make publicly available the conditions that have been imposed within the contract and how they will be monitored and enforced.

Enforcement is an issue. Treasurer Snelling has been on radio saying there will be penalties if they do not comply. We do not know what they have to comply with and what the penalties will be. If the parliament had some say, we would actually be able to put in some conditions or trigger points if a future owner breached them. We are asking the future owner to return this asset like for like, so in three rotations' time we want to have the forest asset returned to same. That, I think, is a very important recommendation. Recommendation 8 is:

> 8. That the Auditor-General:
>
> a. investigate and report to Parliament on the current forward sale process, with full disclosure:
>
> i. from Treasury on the extent of its own Regional Impact Assessment (based on the ACIL Tasman report)
>
> ii. of any full-cost benefit analysis conducted by or for Treasury; and
>
> iii. of the forestry estate's harvesting rights' various valuations over time and during the sale process, proposed reserve price and ultimate sale price (if reached before the conclusion of the Auditor-General's investigation)
>
> b. if the forward sale proceeds, have the authority to periodically review the operation of the community service obligations and other conditions of sale.

The community service obligation was certainly an issue raised a number of times by people giving evidence, and it was certainly referred to by the Hon. Robert Brokenshire. The next one is recommendation 10:

> 10. That the Treasurer considers how to ensure that ForestrySA has the capacity and flexibility to compete successfully for the next contract renewal including exploring the potential for

> ForestrySA to purchase land no longer in use or held for Managed Investment Schemes to strengthen the ForestrySA estate.

If the Premier is wanting to establish a future fund—and, of course, we know one of the bidders is, in part, the federal Future Fund, or potentially could be that fund—we want to see the opportunity for future state governments, if forestry is a good investment, to be able to compete and potentially purchase some land. We will have ForestrySA with forests at Kuitpo and in the Mid North, so we will still have some expertise and some people running those forests which, of course, after the sale are likely to be uncommercial and non-viable.

We would also see that, where possible, the conditions identified by the round table that should be placed on the forward sale be incorporated in the Forestry Act 1950. I think that is the key recommendation, for me. We accept the government of the day is going to sell the asset, but there should be some way of making sure that that person, that company, that superannuation fund, in 60, 70 or 80 years' time, is held to account by the parliament. That is why the ETSA sale went through the parliament, because it is an important sale. It is a massive asset. I hope if the sale goes ahead it is in excess of $500 million; it may not be. But we saw that as an important recommendation. Recommendation 15 is:

> 15. That the Treasurer guarantee that the current level of fire protection by ForestrySA is to be maintained going forward.

That is not in the South-East: it is the level of fire protection that is afforded to the people in the Hills, around Kuitpo, on the Fleurieu and in the Mid North, so it is not just about the South-East. I suspect the new owners certainly will have a level of fire protection—it is their asset and they will want to have it protected.

The final recommendation is No. 17, and I certainly supported this, that the government apologise forthwith to the former chair—

Members interjecting:

The Hon. D.W. RIDGWAY: They joke. He was treated poorly, treated appallingly and then basically sacked because he did not agree. They should apologise for the way that he was treated during the sale process. There are a number of other recommendations but they are the key ones, as I see it: that the sale should not go ahead; that we should have the Auditor-General involved; that we should make the information memorandum and conditions publicly available; and that we should enshrine those conditions into some sort of legislation.

It is not just the sale of a truck or a car, or a building that you might knock down and rebuild. This is the sale of three rotations. I am assuming that at the fourth rotation there is an opportunity for it to revert, but we do not know. That is the other issue that we were discussing only at yesterday's meeting: we do not know what happens at the end of the third rotation. Does it revert back to ForestrySA? Does the government have to buy it back?

The Hon. R.L. Brokenshire: There might not be a ForestrySA.

The Hon. D.W. RIDGWAY: Exactly. What happens in 100 years' time? Does the Future Fund try to buy it? It is really quite a bizarre sale and is different from most others. They are the four key points, I think, of the recommendations. Certainly the members of the committee unanimously, 60 per cent versus 40 per cent of the committee—

The Hon. G.A. Kandelaars: Unanimous? That's a new interpretation of it.

The Hon. D.W. RIDGWAY: I should say the majority, not unanimous; I am getting my words mixed up. Certainly it was the majority of the members of the committee. So, I commend the hard work of the committee and this final report to the chamber, and I hope that the Treasurer might actually read it—and that maybe the minister for forests, who sits in this place, might also actually read it and try to understand the industry she is custodian of.

The Hon. G.A. KANDELAARS (17:11): Well, what can I say? Everyone knows that this committee's outcome was predetermined. It is a joke to suggest otherwise. We have the Hon. Robert Brokenshire, our resident media junkie, going out in *The Advertiser* and suggesting that the government would be embarrassed by this report. Well, the government would bloody well know what we were doing in the first place!

I could have written this report long ago. I know full well that Mr Brokenshire and those opposite already had this outlined long ago, so what a joke this is. To suggest that this is an independent assessment is nonsense, absolute nonsense. To suggest that we should be

embarrassed—come on! It was a predetermined outcome. I think Nick Harmsen of the ABC probably captures it fairly well:

> This committee was dominated by Independents and the opposition. It's led by Family First's Robert Brokenshire, their MP. So it's no surprise that this committee has recommended against the sale of the forests, and it's also no surprise that the government members on the committee have issued a dissenting report; so they don't agree with what the committee itself is saying and it seems the government can and will likely ignore it.

That is probably a very good assessment of the situation; an honest one.

Now, let us have a look at some of the issues that the Hon. David Ridgway raised. He raised one interesting one; he was talking about coming back before parliament, but one of the recommendations that the opposition actually rejected would have forced an obligation that if there were any further sale of ForestrySA assets it would have to come back to this parliament. What did the opposition do? It rejected it. Why? What a joke. On the issue of privatisation, this is not a privatisation: it is the sale of forward rotations. It is not the sale of land; it is not the sale of water rights; it is not the sale of carbon rights—it is the forward sale of rotations.

Let us come back to where we originally came from. This whole issue arose out of the 2008-09 Mid-Year Budget Review at a time when the GFC was at its highest. The government announced a package of measures aimed at realising some of the value of the state's assets—for example, the forward rotation of the forests. One of these measures was an investigation into the options to sell the harvesting rights of ForestrySA. The Government Enterprises and Market Projects branch in the Department of Treasury and Finance was responsible for coordinating this investigation. This initiative was one of the debt reduction measures announced at the time to improve the state's financial outlook in response to the global financial crisis, I must say.

Prior to the decision being made the government commissioned an independent external economics consulting firm, ACIL Tasman, to report on ForestrySA and the South-East region. The report assessed the proposed divestment's impact on the economy of the South-East, the impact on mills in the area and the employment impact. It concluded that the sale was unlikely to have a significant economic, social or environmental impact on the South-East region. Consultations were undertaken with interested parties including local councils, the timber industry, and key union and Chamber of Commerce representatives.

A key finding of the report was that, irrespective of the ownership of ForestrySA, the forestry industry itself is experiencing economic pressures that are having an impact on the region. I do not think anybody should doubt that. That is essentially because of the historically high value of the Australian dollar, a downturn in the domestic building industry, and competition from imports—to name a few. On 3 May 2011, the Treasurer announced the government's decision to proceed with the sale of the three rotations of the forests in the South-East. The government has insisted the sale would be put in place to support the long-term viability of the timber industry.

The government then went on to establish the South-East Forestry Industry Roundtable, made up of South-East local leaders and union and industry representatives, to make recommendations to the government on the conditions of the forward sale before going to market. The government has engaged and maintained the support of the round table and it is confident that the recommendations for this sale process will ultimately benefit the South-East community. The government and the round table have worked together to ensure that they protect the long-term future of the timber industry and the interests of the local community.

The government has indicated numerous times that it will seek to do the best by the industry and the community and to ensure that it remains true to its word it has continued to engage the South-East through the sale process. The government has taken advice from the round table and also publicly released the recommendations of the round table, including all the correspondence between the round table and the Treasurer. These conditions of sale will be enforced. Through a lease with the South Australian government the new owner of the cutting rights will have the right to manage the forward rotations for commercial forestry purposes for up to three rotations.

As part of the proposed sale conditions will be put in place to support the long-term viability of the South Australian timber industry and to ensure that the forward rotations are managed in a sustainable manner. These conditions include ensuring any sale includes that the new purchaser agrees to target rotations consistent with the current and planned ForestrySA standards and ensuring that there is a commitment for the new purchaser to match ForestrySA's current level of planned viable domestic supply. In creating an obligation on the successful purchaser to report

yearly to the government, this will ensure they are meeting the conditions of their purchase. Another condition is providing sawmill owners who have existing log supplies with the ForestrySA an option to extend their contracts for up to a further five years.

Other issues the round table raised included the issue of land, water and carbon rights. The state government has made clear that it will retain ownership of the Green Triangle's forestry land, water rights and any carbon rights, and there is a legal obligation to continue to use the plantation land in the South-East for forestry purposes only. If the purchaser breaches this obligation, then there are financial sanctions that will be applied and the government can take back the land.

The government has also given a commitment on the future of ForestrySA. All current ForestrySA staff will remain ForestrySA staff and public sector employees, and the property, plant and equipment currently owned by ForestrySA will remain with the state government and will be used by ForestrySA as the plantation manager, which, as I understand it, is for the first five years, with the possibility of an extension of five.

Forestry management accreditation will also be required. The successful purchaser must hold and maintain an internationally-recognised, third party, audited forestry management accreditation. The government has also agreed with the round table that the successful purchaser will maintain certain management and maintenance duties consistent with current forestry practice, such as risk management, fire management, plantation management certification, environmental obligations and general plantation management and native forest management.

On the issue of fire protection the government has stated it will ensure the current level of community fire protection remains. The successful purchaser will be required to fund specific fire management costs that will be borne by a private plantation estate in the region. The provision of additional fire services over and above private landowner obligations will continue. These will be funded by the government. Discussions and further investigations are being carried out by the government to determine the best avenue to provide the current level of fire protection in the future beyond five years.

The round table has undertaken its duties diligently and has worked with the South-East community to provide a comprehensive recommendation to the benefit of the forestry industry and the local community. The government has implemented the recommendations of the forestry round table in the sales transaction, and the round table has unanimously endorsed the agreed conditions of sale in its letter to the Assistant Crown Solicitor dated 18 May. I may go to that at this moment. It is a letter to Mr Chris Gray, Assistant Crown Solicitor from Trevor Smith, Chair of the South-East Forestry Industry Roundtable:

> Consequently, I can advise that the Roundtable unanimously determined that the sub-committee report be endorsed and the agreed Conditions of Sale as drafted and presented at the meeting of 15th May, along with such other correspondence and documentation agreed to at the meeting, now proceed to be incorporated within the appropriate contractual documents.
>
> I wish to take this opportunity to extend the Roundtable's appreciation of the manner in which you have progressed this matter and the regard you have given to the issues raised by the RT, we also acknowledge the Treasurer's demonstrated commitment to ensure this process would be transparent and would accurately reflect agreed provisions being enshrined within the contractual obligations of a purchaser of the plantation resource.

As I said earlier, the government has previously stated that the sale will only be approved if the sale price is equal or greater than the net present value of estimated future earnings generated by retaining the current forestry rotations in government hands.

I would like to put on the record some of the comments from local regional leaders of the South-East. This comment comes from *The Border Watch,* dated 19 April, headed, 'State leaders praised for showing regional interest'. The article is essentially about comments from the Mount Gambier mayor Steve Perryman. I understand he was the candidate for the Liberal Party at the last state election. He stated, in part, at a full council meeting in the week concerned:

> ...Mr Perryman said it was 'clear' Mr Snelling had listened to the roundtable and the community.
>
> 'I am satisfied the treasurer has a firm grip on the issues,' Mr Perryman said.
>
> 'It is clear that he has listened.'
>
> Mr Perryman said he wanted to meet with Mr Snelling to seek clarification regarding the forward sale conditions.

'The treasurer was impressive in terms of his knowledge of the issues put forward by the roundtable and the stakeholders group,' he said.

The article goes on to say that, while explaining the details of the process, the blueprint that had yet to be revealed:

...Mr Perryman praised Mr Weatherill for taking an interest in the South East.

'I haven't seen the detail about the process, but it was good to see a premier taking interest in our region—I can't recall another premier doing that.'

Another article I would like to bring to your attention is from *The Border Watch*, dated 19 April, 'Forestry fight secures better deal for region'. The article is essentially a statement from the Mayor of Wattle Range, Peter Gandolfi. The article states:

Raising the issue in his mayoral communication, Mr Gandolfi said on the same day he met with Premier Jay Weatherill in Mount Gambier, Treasurer Jack Snelling released in Adelaide the agreed conditions of the forward sale.

'While still strongly opposed to the forward sale, the stakeholders have found the proposed conditions acceptable in principle,' Mr Gandolfi said.

As I said, a lot of the issues, in terms of the select committee, were pre-determined. Let us not kid ourselves. It was a political select committee with a set outcome. We always knew it was. We always knew what the outcome was. Let us not kid ourselves. Finally—

Members interjecting:

The PRESIDENT: Order! I think Lou and Bud have had their say.

The Hon. G.A. KANDELAARS: Why did you give them a go? Finally, I should recognise the membership of the committee for their effort: the Hon. Robert Brokenshire MLC, the Chair; the Hon. John Gazzola MLC from 8 November 2011; the Hon. Paul Holloway MLC until 13 September 2011; the Hon. Ian Hunter MLC from 29 July to 8 November 2011; the Hon. Jing Lee MLC; the Hon. David Ridgway MLC; and the Hon. Russell Wortley MLC until 29 July 2011. In particular, I should thank the secretariat, Guy Dickson and Maggie Morrison, for their great effort. I will conclude on that.

The Hon. R.L. BROKENSHIRE (17:31): I thank all honourable members for their input. I think it is unfortunate in listening to the debate that government members have had to take party lines rather than the state's best interests when it comes to this decision. At the end of the day, I just want to say—because I am summing up and the opposition cannot speak at this point in time—that I refute the outrageous allegation of the Hon. Gerry Kandelaars, a man whom I generally have enormous respect for. On this occasion I have to absolutely refute the suggestion that the committee did not have an open mind as to the pros and cons of the privatisation.

I had an open mind. I know the other members who voted to support the committee had an open mind and I know the other members on the committee had an open mind, but when the evidence is overwhelmingly against a sale, then clearly you have to listen to the evidence. That is what we have listened to and that is why the debate and the recommendations are as they have been tabled in the house yesterday and debated today. Again, I thank all members for their contribution and I encourage South Australians to have a very close look at the report and to ring the government members and request that they withdraw the decision to privatise.

Motion carried.

PLANNING REVIEW

The Hon. J.M.A. LENSINK (17:33): I move:

That this council requests the Environment, Resources and Development Committee to inquire into and report on a review into South Australia's liquor licensing, planning, heritage and environmental regimes, to determine what barriers exist to small bars and live music and entertainment venues and what changes will promote more vibrant precincts.

This particular issue has had quite a bit of attention within the parliament, particularly in the Legislative Council, thanks to the efforts of the Hon. Tammy Franks, and has had considerable attention in the media and at community meetings as well. My intention in moving this reference to the Environment, Resources and Development Committee is to assist the work that has been done with the laneways and activating parts of the city. There is growing enthusiasm and there has been a lot of activity on the web as well, through both the Renew Adelaide blog and the Raise the Bar Facebook site.

Those two organisations called a meeting on Monday 7 May, and I thank the Hon. Tammy Franks for alerting me to that meeting. She was in attendance, as was the Hon. John Gazzola, and the forum was to discuss the cultural impact of licensing for small venues and bars. One of the people on the panel was Lois Boswell, who works in the Department of the Premier and Cabinet and who spoke to this issue. It was organised, I understand, by Renew Adelaide—

The Hon. T.A. Franks: I think so, yes.

The Hon. J.M.A. LENSINK: —thank you—and was emceed by Ianto Ware, with whom a number of us have met over recent months. One of the panellists was a gentleman by the name of John Wardle, who has been involved in this issue in Sydney and has some fairly strong views about our liquor licensing laws here in South Australia.

There were other panellists who had run small bars, who had sought licences or who had had various issues. I think we are all quite surprised at the difficulty they had with the regulators in terms of some of the hoops they had to jump through and that, when they answered forms in all honesty, they were subsequently penalised. There are a whole range of issues. They are not just related to liquor licensing, but to venues as well. What happens to a venue such as the Jade Monkey when it is being leased and the owners decide that they are going to redevelop the site? There is concern that the number of venues available is decreasing in South Australia. I think various people have looked at that, and I have heard—

The Hon. T.A. Franks: The Crown & Sceptre has shut down.

The Hon. J.M.A. LENSINK: The Crown & Sceptre shut today, indeed; and that is another issue as well: that pubs in the city are struggling. We have quite a number going into administration. Regarding licensing, there are also issues to do with the volume of music and whether neighbours get cranky about that. There are also heritage issues, and planning issues are a very important part of this debate as well. I think that fits quite well into the gambit of the ERD Committee, and I think it is the appropriate place for these issues to be examined.

Just days after the forum in May, this government brought in a risk-based licence, and we all know that that is just an attempt to raise fees. Indeed, last year we debated the issue of the closure of pubs and clubs from 4am to 7am, and I am very pleased that the sensible Legislative Council rejected that proposal. I do see some irony in the government being so verbally enthusiastic about enlivening the city when it wanted to tell us all when we could and could not go and enjoy a drink last year, and, indeed, the Adelaide City Council, which decided that clubs should be shut from 3am until 7am, not 4am until 7am. So, I find that there are some inconsistencies at both levels of government in what they tried to do last year and what they are saying now.

Driller Jet Armstrong, to whom the Hon. Tammy Franks referred in her disallowance motion of those risk-based licences, managed to obtain some 4,000 signatures, and he is to be commended for that. He also set up a Facebook page. My office actually drafted that petition for him, so we are very pleased that we were able to play a role in that as well. The government has since revoked those fees and brought in a different regime.

Some examples were given at the forum of the difficulties that small licensees had. One licence holder was filling in the Consumer and Business Services form for their licence and the form said something along the lines of: 'How many people do you expect to have in your venue?' The licence holder said 200—even though the capacity is more like 500—and that is what they were then granted. They were only granted capacity for 200 people, so they are obviously restricted. The question is: if they have an event and 210 people are there, will they be penalised? So I think a lot of those issues actually do not have anything to do with the acts of parliament or the regulations but, rather, the policy of the regulators.

The number of toilets can be one of those difficult issues as well. I have been involved in fundraising before where you apply for a temporary liquor licence and you have to state how many metres of male loos you are going to have and how many other loos—they actually ask for quite a lot. Particularly when you are trying to raise money you do not want to be spending all your profits on hiring toilets, so I think that is just one of the many issues that we need to be looking at.

A number of these people who are involved in starting up small venues do not use merely the selling of alcohol as their primary source of income, but they do require it as a revenue stream to subsidise the core business, such as an arts studio or a video game lounge, and it is something that their patrons expect. They might go there for a show and they want to have a glass of wine,

beer or whatever it is they want to have. I think that is perfectly reasonable, and I do not think that those sorts of businesses in any way present a major threat to safety in the city.

The Hotels Association was also represented at that forum by Ian Horne and Wally Woehlert. Mr Horne has been in the media as well. He has stated on the record that he thinks that the industry could be more vibrant but he is not convinced that we necessarily need a special licence, and I do note that the AHA is the only stakeholder industry group that we can refer to.

A lot of the issues that were raised at that forum by the small venues, he said, were issues for all the large hotels as well. There are a number of issues that, I think, need to be looked at—planning, liquor licensing, heritage and even EPA noise requirements. I think that it would be useful, particularly because the government has said that early next year is when it is looking at introducing some reforms to the liquor licensing laws.

The government should learn from the experience last year that it does need the support of the upper house if it wants to get these things through. It would therefore be sensible to enable a multipartisan committee, such as the ERD Committee (which is represented by three of the parties who are represented in this place), to be able to look at those laws. It would also give the ERD Committee something to do, quite frankly, because in the last two years we have produced two reports—both fairly thin reports, I would have to say. We are certainly not doing as much work as we did when the member for Giles was the chair of our committee. Quite frankly, were it not for references coming from opposition members of parliament then we would not have had any reports at all. I think that we should work a lot harder for the funding we receive, and that would be a good thing to do.

As I said, the amendments which have been mooted by the Premier himself we are not expecting to see until early next year. I think that there is time for us to have a look at these issues. Also, policy decisions are being made within the liquor licensing division which are having an impact on the viability of these small licences, so I think that it would be a worthwhile exercise.

I do hope that the government does not resist having this reference. I am not actually trying to be mischievous: I think that it is a useful thing to do because, as I said, I could do better to learn more about how the liquor licensing system works at a coalface level. I think that we should hear directly from the people who are applying for the licences so that we can understand what the situation is.

That will help to advise us when we have this raft of amendments which are expected to be tabled in parliament next year, because otherwise that process will be delayed. Once the legislation is put out the Liberal Party at least will need to do its own consultation, and that might take us several weeks or a couple of months, so we can actually get on with this process earlier by starting it through a committee which is able to take a lot of evidence and hear from all the different stakeholders. Indeed, it would be interesting to hear from the Department of the Premier and Cabinet about what it is they might have in mind. It would be an inquiry which many members would find of interest, so I commend the motion to the Legislative Council.

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

STATUTES AMENDMENT (ELECTRICITY, GAS, WATER AND SEWERAGE ACCOUNTS) BILL

The Hon. D.G.E. HOOD (17:45): Obtained leave and introduced a bill for an act to amend the Electricity Act 1996, the Gas Act 1997 and the Water Industry Act 2012. Read a first time.

The Hon. D.G.E. HOOD (17:46): I move:

That this bill be now read a second time.

The Statutes Amendment (Electricity, Gas, Water and Sewerage Accounts) Amendment Bill 2012 was introduced to ensure fair and proper disclosure of the component of utility bills that are for the federal carbon tax—that is, its component of the bill. The carbon tax has been very much in the media recently and it is a discussion point in public conversation. Whilst there are views for and against the tax, I hope that we can all agree that it is important to have a sensible basis for debate on this issue.

An honourable member interjecting:

The Hon. D.G.E. HOOD: It is spreading, that is right. If the true effect of the carbon tax is shrouded in mystery, fair debate is much more difficult. It is my view, therefore, that it is extremely important that we present the true facts to people on their bills so that they know exactly what it is

costing them. Insofar as the purpose of the tax is to encourage people to use less energy in their homes and to find more energy efficient ways of living, then disclosure of the amount that consumers are paying for the tax will actually help to achieve that purpose. It actually works in favour of those who propagate this tax.

Much of what I have said applies to the general effect of the carbon tax on all goods and services but one very significant effect of the carbon tax will be to increase charges for electricity in particular, as we know, as it will to gas and water for other reasons. As we all know, the increases in the cost of these essential services over the last few years have caused severe hardship to many in our community, especially those on low incomes and pensions.

Family First takes the view that consumers of electricity, gas and water—that is all of us essentially—should be given information about the effect that the carbon tax has on their utility bills. We put the cost of the Save the River Murray levy on our bills, for example, so why can't we put what the carbon tax costs?

It has been suggested to me that this proposal is simply going to add to the cost of retailing these services to consumers and it will in itself add to the cost of bills. I do not accept that argument. I see that according to *The Advertiser* on 15 June this year the Essential Services Commission stated that for typical consumers the carbon tax component for electricity bills will be 4.6 per cent and for gas bills it will be 4.5 per cent. However, I note that the commonwealth government claimed something more in the order of 9 per cent will be the national average.

Computer software can be easily modified to calculate and disclose such matters as the amount of the carbon tax on the bills sent to consumers and to make it plain and easy to read on the bill. I do not accept that the cost of this disclosure will be significant at all; indeed, I have spoken to experts in the field who assure me it can be done in a matter of moments with the appropriate software.

As to the terms of the bills, the carbon tax is referred to as 'charges attributable to measure under the Clean Energy Act 2011 and related Acts of the Commonwealth to put a price on greenhouse gas emissions.' There are three operative provisions that require entities authorised to sell electricity, gas and water to include details of the approximate amount of the charges attributable to the carbon tax. Note that only the approximate amount is required. A penalty is also provided for failing to do so. I commend this bill requiring disclosure of information to consumers who would want to know, and who in my view are entitled to know, exactly what it is costing them on every bill they receive.

Debate adjourned on motion of Hon. Carmel Zollo.

CONSTITUTION (ACCESS TO MINISTERS) AMENDMENT BILL

The Hon. M. PARNELL (17:49): Obtained leave and introduced a bill for an act to amend the Constitution Act 1934. Read a first time.

The Hon. M. PARNELL (17:50): I move:

That this bill be now read a second time.

The practice of the ALP in selling special access to ministers of the Crown as a fundraiser for their political party is an abominable breach of democratic principles. This is not a new matter and the Greens have raised it in this place on many occasions, most recently in question time on 30 May. What is remarkable is that the Labor Party is yet to be shamed into abandoning this model of fundraising, and it has made no effort to clear the air of the stench of nepotism and corruption that surrounds these practices. Their Labor colleagues in Queensland and New South Wales finally got it and they acted, but not soon enough or decisively enough to avoid a thrashing in the polls. After so many years of dodgy fundraising practices, the electors in those states were not ready to trust Labor again so soon.

Members should not really need me to explain why the practice of selling special access to ministers for party fundraising is wrong, but let me just say the following: ministers of the Crown are appointed by the Governor as a key component of the executive arm of government. As such, they have a duty to the community to make decisions according to law and to act fairly and in the best interests of the community. As ministers, they should not be used as bait by their political party and they should not allow their party to sell access to themselves for political donations.

Whenever this matter is raised in the media or in parliament, ministers routinely answer that their doors are always open and that there is no need to donate to the party in order to get

access. Someone should have told the chair of the board of the Keith hospital that, because he told the media a month or so ago that he registered for a Labor fundraising dinner because he saw it as the only way to get access to the minister.

The second predictable response from ministers when challenged about the link between political donations and government decisions is to claim that they have no knowledge of donations and, even if they do, they never allow the fact that someone is a major donor to influence their decisions. In fact, they even get quite offended when faced with clearly smelly situations, such as the Walker Corporation sponsoring fundraising events for Labor at precisely the same time that the Labor cabinet is about to decide on the approval of the Buckland Park development, a development that has been universally condemned as appalling town planning.

Of course, who could forget the now notorious interview on ABC 891 where John Blunt, the CEO of the Makris Group, was asked about donations to political parties. During the interview Mr Blunt gave an extraordinary insight into the way in which development decisions are made in this state. In responding to a question from David Bevan about why the Makris Group chose to donate to Labor, John blunt replied:

> I mean, we have got business interests, as well, so we want good governance. We want to see things happen in this state.

Matthew Abraham interjected, 'You want to be looked after, too?' In response, John Blunt agreed and said:

> Yeah, we want to make our projects happen, that's for sure, but, you know, that's a part of the way the system—you know, politics—works here.

In response to a question that I asked of former planning minister Holloway on 2 May 2007, the very day of the interview that I just referred to, former minister Holloway replied as follows. Referring to me, he said:

> The honourable member can make any accusation he likes, but I repeat the comment I made on radio: my door is open to any developer in this state who has a good project and, if a proposal stacks up, I will listen to that proposal and I will decide on its merits. I do not know how much money is given by any developers to the party.

The Hon. R.I. Lucas interjected, 'Yes, you do.' Minister Holloway responded, 'No, I don't.' I am sure no-one believed former minister Holloway then, as no-one should believe any minister who participates in these SA Progressive Business fundraisers and makes the claim that they do not know that donations are being made to the party.

Do Labor ministers really expect us to believe that they do not know that the people sitting next to them at the dinner did not pay through the nose for that access? Do they expect us to believe that those sitting next to them and chewing their ears with even greater relish than they are chewing their steaks have somehow won a lottery or just happen to be wandering past and this was the only seat left?

I said before that the current practice of the Labor Party in relation to these donations is corrupt, and let me elaborate. If you are a member of the executive and you accept money for special access and influence, then that is corrupt, and if you are caught you will be punished. If you are minister and you say, 'Give me money and I'll give you an approval,' well, that is corrupt; you will go to gaol. But if you are minister of the crown with legislated power to grant approvals, permits, dispensations, or exemptions, and you say, 'Give my party a lot of money and you can have my undivided attention for an hour or two,' and then if you just happen to grant approval or a permit, etc., to that person's business doesn't that also ring corruption alarm bells?

A minister's only escape from a charge of corruption is to pretend (a) they did not know that money had changed hands for the access, (b) to claim that they never discussed the proposal in question, or that (c) the proposal was so meritorious that they would have approved it anyway regardless of the donation that was made. I do not think that explanation should satisfy anyone.

In relation to the contents of this bill, it is really straightforward. It is an amendment to the Constitution Act. The operative provision reads as follows:

> A person must not promote an event intended to raise funds for a political party in a way that suggests special access will be given to a minister at the event or an association with the event.
>
> Maximum penalty $20,000.

So, it is a very simple provision which is designed to prevent selling access to ministers at a party fundraiser. It is also important to point out what the bill does not do. It does not stop members of

parliament participating in party fundraisers. There is nothing to stop members of parliament participating in such fundraisers, even if they are a minister, provided the fundraiser is not promoted as a vehicle for access to a minister and to influence executive government.

Also, the bill is confined in its operation to party fundraisers. There is nothing to stop charity fundraisers, including promoting the fact that ministers will be there. If by their status ministers can promote altruism and philanthropy in the community then that is a good thing. For example, on Friday night various well-heeled people at the Midwinter Ball in the Adelaide Town Hall will bid at an auction to spend time having a drink with the Premier or a barbecue with the Leader of the Opposition, or even the chance to punch the Treasurer on the nose in the boxing ring. The proceeds will go to the Salvation Army or to the AIDS Council, and I hope they make a lot of money. These types of activities will not be affected by this bill because the recipients are charities and not political parties.

I would like to just refer now to some of the practices of the Labor Party's fundraising arm, SA Progressive Business. I recently received a list of some of the functions they have coming up.

The Hon. R.L. Brokenshire interjecting:

The Hon. M. PARNELL: The Hon. Rob Brokenshire says that it was an invitation. I think it was an invitation. I will not pretend that it was addressed to me personally, but it came into my hands. We have got twilight drinks with the Hon. John Hill, Minister for Health and Ageing, Minister for Mental Health and Substance Abuse and Minister for the Arts, and the Hon. Ian Hunter, Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Youth and Minister for Volunteers. Then we have more twilight drinks with the Hon. Patrick Conlon, Minister for Transport and Infrastructure and Minister for Housing and Urban Development, and the Hon. Chloe Fox, Minister for Transport Services.

Then we have a leadership dinner with Premier Jay Weatherill and the Hon. Grace Portolesi, Minister for Education and Child Development. Following that, we have got more twilight drinks with Premier Jay Weatherill and the Hon. Tom Koutsantonis, Minister for Manufacturing, Innovation and Trade, Minister for Mineral Resources and Energy and Minister for Small Business. More twilight drinks with the Hon. Martin Ferguson—they are bringing in the big guns from interstate—the federal Minister for Resources, Energy and Minister for Tourism. Again, minister Tom Koutsantonis puts in another appearance. Then there is the annual Premier and cabinet dinner, and then the Premier's end-of-year drinks—and these are all fundraisers for the Labor Party. Even though the literature does not actually make that explicit, we all know that is exactly what they are.

SA Progressive Business also invites people to join. In a letter from Nick Bolkus (in this capacity not honourable), the Chair of SA Progressive Business Inc., when you pay (I think it is the sum of $750 for an individual membership), it states:

> Your annual membership will also give you and your business the opportunity to host senior government ministers, including the Prime Minister and the Premier, in your boardroom.

The access that is being promised in return for donations to the Labor Party is absolutely astounding. Another letter, this time under the signature of Emily Bourke, the Director of SA Progressive Business, refers to two events—I have referred to them before—one of which is on 27 July (next week): lunch with Premier Jay Weatherill and minister Tom Koutsantonis. Then there is twilight business drinks with minister Patrick Conlon and minister Chloe Fox. But what is interesting is the next paragraph, which states:

> SA Progressive Business is grateful to both the Motor Trade Association and Hansen Yuncken Pty Ltd for hosting these important business discussions.

[Sitting suspended from 18:01 to 19:47]

The Hon. M. PARNELL: Before the dinner break, I made reference to two of the forthcoming SA Progressive Business Labor Party fundraisers, being a lunch with Premier Jay Weatherill and minister Tom Koutsantonis on 27 July and twilight business drinks with minister Patrick Conlon and minister Chloe Fox on 2 August. I mentioned that, in their invitation, SA Progressive Business says that they are grateful to both the Motor Trade Association and Hansen Yuncken Pty Ltd for hosting these important business discussions.

Hansen Yuncken Pty Ltd is a firm that receives vast numbers of government contracts in the construction field. As well as the massive Royal Adelaide Hospital build on North Terrace, there is a range of other projects where Hansen Yuncken is doing work for the government. I will just run through some of them:

- the regional police stations and courts contract, $40 million;
- Queen Elizabeth Hospital redevelopment, $120 million;
- SA Water fit-out for Victoria Square (the VS1 building), $38 million;
- Lyell McEwin Hospital redevelopment stage A, $91 million;
- Lyell McEwin Hospital redevelopment stage B, $66 million;
- Adelaide Entertainment Centre, $52 million;
- super schools, $323 million;
- Gilbert Building redevelopment, Women's and Children's Hospital, $28 million;
- Glenside Hospital, $130 million;
- Adelaide Film and Screen Centre, $43 million;
- Youth Training Centre, Cavan, $67 million;
- GP Plus Super Clinic, Noarlunga Centre, $23 million—

Members interjecting:

The PRESIDENT: Order!

The Hon. M. PARNELL: —and the new ward, Gilbert Building, Women's and Children's Hospital, $64.4 million. So, this is a major construction company in South Australia in receipt of extensive and lucrative government contracts that is, in fact, sponsoring Labor Party fundraising dinners.

I can see no assessment of that situation other than this is a wrong and, I would say, corrupt way for the political party in government to be raising funds. It raises so many questions about propriety and, certainly, the government will hide behind various Procurement Board decisions and whatever you have. The fact is that here we have a company doing government work and also doing fundraising work for the Labor Party.

Of necessity, the target of this bill has been the Labor government and its fundraising arm, SA Progressive Business. This is the organisation, as I mentioned earlier, that raises funds from memberships, and the membership fees are $750 for individuals, $2,500 for corporations and $10,000 for foundation members. It routinely charges $1,000 a seat for fundraising dinners or $10,000 a table—massive amounts of money.

However, just because the target of this bill at present is the Labor Party does not let the Liberal Party off the hook. This bill—and how the Liberal Party votes on this bill—is a test for how they will behave if they are elected to government in the future. Will the Liberal Party say, 'If it was good enough for the previous government, it's good enough for us,' or will the Liberal Party take a principled stand and vote to do away with this corrupt practice of offering ministers of the Crown as bait for party fundraisers?

The numberplate logo that most of us have on our cars talks about South Australia being the 'Festival State'. However, it could just as easily be a new slogan, a different slogan, and that slogan would be 'South Australia—the best democracy money can buy', because that is the direction that we are heading in if we do not reform these laws. The bill before us gives all members in this place an opportunity to support better standards of political behaviour. I commend the bill to the house.

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

FOREIGN OWNERSHIP OF LAND BILL

The Hon. R.L. BROKENSHIRE (19:52): Obtained leave and introduced a bill for an act to provide for the disclosure of foreign ownership of certain land; and for other purposes. Read a first time.

The Hon. R.L. BROKENSHIRE (19:53): I move:

That this bill be now read a second time.

I am very proud to table this bill, partly because 2012 is the Year of the Farmer. I could forgive most members in the chamber for not knowing that it is the Year of the Farmer, because here we are now in July and, whether at a federal level or even within our own state, to me there has been very little celebration or opportunity to expand the causes and the positives of farming, so I think it is very relevant that this bill be tabled and debated during this year.

The world demand for food is to grow 77 per cent by 2050, which is only 38 years away. In the Asia-Pacific region, the current destination for 40 per cent of Australia's $27 billion food exports, the food demand will double in just the next 30 years. Talk of an export 'dining boom' in growing middle-class Asia, particularly in China, India and Indonesia is now a reality. When I was a young person, we dreamt of this opportunity. It was talked about, but it was more of a dream. Today, it is a reality.

The recent Colliers International 2012 Rural and Agribusiness Research Report revealed that rural land is valued at $264 billion nationwide; but, for the first time since 1993, rural land value, however, decreased in 2011, down 12 per cent on 2010. Sales of large properties have begun to improve as foreign investment buoys local competition as transactions increase for big dry and irrigated farming country and large high rainfall grazing holdings.

The Gillard government released its National Food Plan yesterday, and the federal agriculture minister, the Hon. Joe Ludwig, said:

Global food security is at the heart of social and political stability—and it is in our interests as a nation. This in turn requires us to nurture our food producers.

Previously, Prime Minister Gillard said we could become the food bowl to Asia. However, whilst I agree with Prime Minister Gillard on this, I thought we were working on becoming the supermarket to Asia back in the earlier days of prime minister John Howard when he put out the blueprint for being the supermarket, that is, Australia providing the food to Asia.

In June, we had a very important statement from the Australasian chief of the second largest food company in the world, namely, Kraft Foods. Rebecca Dee-Bradbury told a business lunch in Sydney in June:

...the country is missing out on a huge opportunity to export manufactured foods to Asia.

After recently touring Asia-Pacific food hubs such as Hong Kong, Shanghai and Singapore as part of an industry delegation, she said:

It may shock you to understand that Australia is not seen as a high value food innovator. It is seen as a critical supplier of food commodities. The impact on Australia's largest manufacturing sector, if we become a farmgate supplier, is unthinkable. It will [clearly] impact jobs. It will impact brands. It will impact customer profitability, consumer choice and ultimately the national accounts. We need to act urgently.

Senator Ludwig in the National Food Plan yesterday supported, as Family First does, foreign investment but, on ownership, he said that the government had:

...a policy of providing a balance between encouraging further investment and ensuring those investments are not contrary to the national interest. The government will try to do so by improving the transparency of foreign ownership through better data collection.

At present, all that has been done is a working group, albeit that this has been promised to us now for several years, and minister Ludwig has said that the Gillard government will look at:

...how the register would interact with existing state and territory land title registers, including the Foreign Ownership of Land Register in Queensland.

This is all the more reason, we think, to have our own register here to feed into that federal register. It is interesting that you can FOI, from some states in Australia, very easily who has foreign ownership on agricultural land in their state but here when we tried to do it with the Lands Titles Office we were told they do not keep the data.

To illustrate why we should operate independently of the federal government on this is the following 12 June article in *The Australian* illustrating that it seems to have been only in the last month that the federal government has taken a greater interest in this issue. The government has distanced itself from comments made by trade minister Craig Emerson that a national register of foreign-owned agricultural purchases would allay community concerns and better inform the public

debate. Dr Emerson, who is not only minister but also a doctor—and you would probably know that, sir—was reported yesterday in *The Australian* expressing a personal view that a register would increase transparency about the extent of land purchased by foreign interests.

I happen to agree with minister Craig Emerson; I think he is spot on with this, and I encourage him to push hard for a national register. Assistant Treasurer David Bradbury, who has carriage of foreign investment duties, actually refused to endorse Dr Emerson's comments on the benefits of a national register. While not ruling out the prospect of a register, he defended the regulatory regime and government initiatives as sufficient.

So far, it is fair to say that, unfortunately, both the major parties have jumped around this issue without addressing it, so I encourage minister Emerson to keep pushing the matter. We need to protect our sovereign interests and investment from industries that back on to Australian soil, and I believe that most South Australians, and Australians, want to see water and land and food surety being protected in South Australia and, indeed, Australia.

The track record on the federal government's data collection is poor, given its failure on the criticisms of the ABARES and ABS research on foreign ownership of farming land. We need a register here, linked into our Lands Titles Office, on land purchases and registration. ABARES says that 11.4 per cent of agricultural land is foreign owned, but from our own checking we think that is actually a conservative figure.

Foreign ownership of water is another matter, as well as poor historical auditing of water storages and diversions in the Murray-Darling Basin. Importantly, the current foreign investment rules require the Foreign Investment Review Board to review purchases only over $244 million in value—and I think if you happen to be purchasing Australian land and you are an American citizen or registered as a corporation in America it is more like $500 million.

It is interesting that in New Zealand, where they have tougher laws—possibly brought in by the former Labor government in New Zealand, but certainly now under the Liberal government—

An honourable member interjecting:

The Hon. R.L. BROKENSHIRE: —or the Nationals, but still they are conservative—I think it is only $5 million and you actually have to get approval. In fact, when China tried to buy up to seven dairy farms in New Zealand recently, the federal government in New Zealand took that to a challenge in the court and won, and the Chinese were not allowed to buy those dairy farms.

As many of you who listen to FIVEaa from time to time would know, Leon Byner started a 'Don't Sell Australia Short' campaign, and has thousands of people subscribing to that. Every time the issue of foreign ownership of agricultural land, family farming and water is raised, whether it is on ABC or FIVEaa talkback, there is quite an outcry against them being able to purchase the land. This proposal for a state-based register, as they have in Queensland, will help feed in data, but as a sovereign state we also ought to know this ourselves without relying on the federal government.

In respect of recent sales, it is very interesting that former prime minister Bob Hawke is now running around looking to broker large sales of land—some parcels up to 30,000 hectares—in Western Australia's Ord River region to a Chinese consortium, and there is controversy over him allegedly using his taxpayer-funded facilities, as a former prime minister, to accommodate this. To be fair, I understand that the former Liberal treasurer Peter Costello has also been interested in facilitating this Chinese purchase of the Ord River scheme.

I find that quite disappointing. Whether people are in the city and do not have an opportunity to farm, or whether they are young farmers—and I see them where I live, including my own son—who have so much capacity to produce more food, we should be focusing on facilitating Australian young people to get up into that Ord River scheme and open up an area of land, rather than having former federal MPs running over to consortiums in China and other places to encourage them to buy there. I just shake my head.

I will give a few examples to the house that are closer to home, or that we know of without a register. At Telopea Downs, across the border from the South-East at Kaniva—in fact, I understand that some of that land does come into South Australia in the very lowest part of the South-East—one of the countries in the Middle East, state-backed by the Hassad Food group, has now bought 40,000 hectares. That adds to the company's listing already across Australia of 200,000 hectares listed on its website. It is now reported that it is looking at holdings of 250,000 hectares of Australian farmland. That comprises more than half the land surface area of Kangaroo Island owned by one Middle East country state-backed food group.

They have a goal to purchase, in US terms, $700 million worth of land acquisitions strategically across the world to ensure their country's food security. It is worth noting that public and private owners from that company now own more land outside their own Middle East country than the country's own land surface—which is just mindboggling—all for food security. Sure, they need food security but surely Australia should be the country providing that food to them for food security and buying back oil, rather than them selling us oil and our food potentially going straight overseas.

If you do not believe this, there is another situation at the moment where a Chinese government-backed company is, allegedly, now about to start directly shipping wool from land it runs sheep on in Australia straight back to the mills in China. Apart from some work and, I guess, some tax that we get, Australia misses out altogether. The Chinese luxury textile group, Shandong Ruyi, and Victorian wool processors, the Lempriere family, have recently placed an application before the Foreign Investment Review Board to purchase Cubbie Station in Queensland. We all know that Cubbie Station has the largest water licence in Australia and, in fact, is at the absolute head of the Murray-Darling Basin.

I know from reports in the media that the Prime Minister and her government considered for a short time purchasing Cubbie Station when it was on offer. With $13 billion worth of money available from the federal government, like many South Australians and Australians I was hoping that it would purchase Cubbie Station. However, now it appears more likely that we are going to see the Chinese purchase Cubbie Station and, together with that, purchase the largest water entitlement in Australia. Just for interest, Cubbie Station has a 93,000-hectare cotton growing and irrigation operation with a very large water licence in the Murray-Darling Basin.

We have just seen our Premier, the Hon. Jay Weatherill, come back from Shandong where he wants to deepen ties which have been in existence since 1986 between the sister states of South Australia and Shandong. I applaud that, but I would like to see our food being produced here and going over to Shandong rather than them directly owing it and our missing out.

In January, our research revealed that both the federal Department of Foreign Affairs and Trade (DFAT) and Austrade had organised a visit by presidents of Chinese companies to discuss major purchases. The Chinese firms reportedly plan to spend $500 million in acquiring Australian current or potential food producing assets and, in some cases, they get water with that, as was the case when the managed investment scheme Timbercorp, which was actually focused on timber, decided to develop, at taxpayer benefit, massive almond production in Victoria, close to the South Australian border. When they went, sadly, into receivership a Singapore-based company purchased the almonds, the land and the water for, allegedly, about the price of the water. So there is another example.

We have also seen $350 million in Queensland and Western Australian farmland being promoted through DFAT and Austrade, 30,000 hectares of New South Wales and Tasmanian farmland to produce wool, and a $25 million purchase of a 20,000 hectare cotton property. In the second half of 2011, a Chinese firm paid $316 million for Tully Sugar, a Queensland major sugar-producing asset. It is worth noting that these investments are unlikely to hit the Foreign Investment Review Board radar with a $231 million threshold for one purchase.

Senior *Weekly Times* reporter Xavier Duff says that in today's times there are more controls on a foreign citizen buying a Gold Coast apartment than on buying thousands of hectares of prime agricultural land. There was a report in the *Weekly Times* that one commercial property's website is selling farms to Chinese investors as a means of aiding visa applications to get into Australia. Contrary to that, Elders CEO, Mr Malcolm Jackman, who is a member of our government's Agribusiness Council, recently said South Australia is set to return to its position as an agricultural-rich state, also saying that you might see South Australia being the richest state in Australia on the back of opportunities and existing industries here already. He said that we will see agriculture become one of the growth industries in Australia. I support Mr Jackman's assertion.

Mining is prone to boom and bust cycles. We have to capitalise on the boom but also keep supporting the number one most sustainable industry for South Australia and the nation—agriculture. Sadly, Mr Jackman could not attend a recent Food Security SA function after a serious leg injury, but I am hoping to have him speak with us later in the year. Back to Mr Xavier Duff. Duff asks:

> Australia began life as a colony, seen only as a source of cheap raw materials for a colonial master. Do we really want history to repeat itself?

The Australian public seem to have a similar view. A recent Lowy Institute poll found that, of 1,005 Australians polled, 81 per cent were against allowing foreign companies to buy Australian farmland to grow crops or farm livestock, with 63 per cent strongly against foreign ownership of farmland.

In conclusion, this bill is about a number of things. It is about transparency. Part of the motivation has been that under FOI the Lands Titles Office has been unable to tell us how much foreign-owned land there is at all. It will not duplicate any hypothetical federal foreign register—that is all it is at present, just a discussion—and what if there is a change of federal government in the next 18 months? Will the Liberal government pursue this register? We are waiting to hear from the leader, Mr Abbott.

The Queensland register, on which we have modelled this, saw a jump from just over one million hectares in 2008 to now over four million hectares of foreign-owned land. So, in just four years in Queensland alone we have seen three million hectares of additional agricultural land become foreign owned. In other words, having that register has helped to illustrate that the historical foreign investor hunger for residential, commercial and industrial sites has now grown to agricultural land. Interestingly enough, to give you an idea, the four million hectares of land, now agricultural land, in foreign ownership—with the intent of food security for those countries overseas and not for Australia and not for Australia's direct economic or job opportunities—is actually the size of Denmark.

The bill requires current foreign owners to register, and anyone who buys South Australian land must subsequently go on the register as a foreign owner. All forms of ownership are captured to prevent people circumventing the register. To repeat, for colleagues' interest when they look at this prior to debate on the bill I am introducing, our bill mirrors Queensland legislation, which imposes a $75,000 penalty for noncompliance with the register (if you make a false statement, for example), but also empowers the government, where a person has not properly made an entry in the register, that is, they are a foreign entity and they have said that they were not, to then require that foreign entity to actually forfeit the land back to the Crown. That is fairly harsh but it is the way to ensure we have transparency and an honest register.

The fundamental difference is that our focus is on farming land, which is land outside of townships and the metropolitan area. So, unlike Queensland, we are limiting this bill to land that is not residential, commercial or industrial. It is land zoned as: primary production; remote area land in the Far North outside of the council areas; other land that may be in use as farming land, such as watershed zones and the River Murray flood plain where there are irrigators, due to historical rights to be there, but their zoning is flood plain.

That ought to reduce the work, and therefore the cost, of implementing the register we are setting up here in comparison to Queensland. I ask the government officials who will look at this to look at it as not being too onerous on their general work. It will also be vital, and the bill makes it possible, that there be a public register online that members of the public can access to get up-to-date information on the level of foreign ownership in South Australia. That would allow any South Australian, or indeed any Australian, to register online with the LTO and see what is happening with the sale of family farming land and water in our state. To conclude, there is also another anomaly. At the moment, on Eyre Peninsula—

The Hon. T.J. Stephens interjecting:

The Hon. R.L. BROKENSHIRE: I am concluding twice. It is a prerogative I have in introducing a bill.

The Hon. T.J. Stephens interjecting:

The Hon. R.L. BROKENSHIRE: You are holding me up. To conclude, especially for the Hon. Terry Stephens—

Members interjecting:

The Hon. R.L. BROKENSHIRE: I will use that in my summing up remarks before we vote on the bill. To conclude—and I will keep it—another anomaly is that, at the moment, on Eyre Peninsula, the Chinese can purchase land to look at iron ore mining opportunities. In fact, they have done that and there is one company there now which the Chinese owns 51 per cent of. So, it is very clever and very opportunistic for the Chinese. If they decide they do not want to take that iron ore—and the aero electromagnetic work and exploration work done there looks pretty good—they can use some of the best grain growing country on Eyre Peninsula, crop it and take that grain

directly back to China. Then, one day, they can decide, at their leisure, to dig it up for iron ore. I am not sure that is what we want. I am sure it is not in the state's long-term interests.

The Hon. T.J. Stephens: What if they want to buy your dairy?

The Hon. R.L. BROKENSHIRE: I do not want them to buy my dairy. I want a reasonable farm gate price so that we can export value-added product to China and then bring back manufactured goods from China. It has to be a two-way street with trade if we are to be able to keep Australia for future generations (economically) the way we have been so fortunate to enjoy it, thanks to the vision and strength of our forefathers. It is now our chance to strengthen things to protect it for future generations. I emphasise that the Queensland foreign register system has been in operation for 14 years. I would encourage members to have a look at their legislation. It is time that we did something. It is what the voters want. I commend the bill to the house.

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

SELECT COMMITTEE ON DISABILITY SERVICES FUNDING

The Hon. J.S.L. DAWKINS (20:18): On behalf of the Hon. Ms Lensink, I move:

That the committee have power to sit during the present session and that the time for bringing up the report be extended until Wednesday 28 November 2012.

Motion carried.

SELECT COMMITTEE ON LONSDALE-BASED ADELAIDE DESALINATION PLANT

The Hon. M. PARNELL (20:19): On behalf of the Hon. Ms Franks, I move:

That the committee have power to sit during the present session and that the time for bringing up the report be extended until Wednesday 28 November 2012.

Motion carried.

SELECT COMMITTEE ON DEPARTMENT FOR CORRECTIONAL SERVICES

The Hon. T.J. STEPHENS (20:19): I move:

That the committee have power to sit during the present session and that the time for bringing up the report be extended until Wednesday 28 November 2012.

Motion carried.

SELECT COMMITTEE ON MARINE PARKS IN SOUTH AUSTRALIA

The Hon. D.G.E. HOOD (20:20): I move:

That the committee have power to sit during the present session and that the time for bringing up the report be extended until Wednesday 28 November 2012.

Motion carried.

SELECT COMMITTEE ON THE INQUIRY INTO THE CORPORATION OF THE CITY OF BURNSIDE

The Hon. A. BRESSINGTON (20:20): I move:

That the committee have power to sit during the present session and that the time for bringing up the report be extended until Wednesday 28 November 2012.

Motion carried.

SELECT COMMITTEE ON ACCESS TO AND INTERACTION WITH THE SOUTH AUSTRALIAN JUSTICE SYSTEM FOR PEOPLE WITH DISABILITIES

The Hon. S.G. WADE (20:21): I move:

That the committee have power to sit during the present session and that the time for bringing up the report be extended until Wednesday 28 November 2012.

Motion carried.

SELECT COMMITTEE ON SCHOOL BUS CONTRACTS

The Hon. D.W. RIDGWAY (Leader of the Opposition) (20:21): I move:

That the committee have power to sit during the present session and that the time for bringing up the report be extended until Wednesday 28 November 2012.

Motion carried.

SELECT COMMITTEE ON LAND USES ON LEFEVRE PENINSULA

The Hon. M. PARNELL (20:22): I move:

That the committee have power to sit during the present session and that the time for bringing up the report be extended until Wednesday 28 November 2012.

Motion carried.

BUDGET AND FINANCE COMMITTEE

The Hon. J.S.L. DAWKINS (20:22): On behalf of the Hon. R.I. Lucas, I move:

That the committee have power to sit during the present session and that the time for bringing up the report be extended until Wednesday 28 November 2012.

Motion carried.

SELECT COMMITTEE ON WIND FARM DEVELOPMENTS IN SOUTH AUSTRALIA

The Hon. D.W. RIDGWAY (Leader of the Opposition) (20:23): I move:

That the committee have power to sit during the present session and that the time for bringing up the report be extended until Wednesday 28 November 2012.

Motion carried.

STATUTES AMENDMENT (SEX WORK REFORM) BILL

Adjourned debate on second reading.

(Continued from 13 June 2012.)

The Hon. D.G.E. HOOD (20:24): Just as a courtesy to members, I indicate I am probably going to be about 30 minutes or so. I just thought I would inform them. It helps, sir. I would appreciate it if they did it to me when they stood up; it would be nice.

Members interjecting:

The Hon. D.G.E. HOOD: Just a gentle suggestion. I think it is going to be 31 minutes now.

The Hon. J.S.L. Dawkins: I think these estimates are always a bit shorter than what they eventually are.

The Hon. D.G.E. HOOD: Indeed. To consider this bill we need to gain an understanding of what prostitution really is. It is often portrayed as an agreement between a willing purchaser and a willing vendor, to which there could be no objection. The truth is that the damage done by prostitution to relationships between married couples is undeniable. Women who work as prostitutes are often degraded and suffer psychological harm that they are unlikely to ever overcome. I think we would all be reviled if it was suggested that our daughters become prostitutes. Why would we permit other parents' daughters to do the same?

Some portray the world of prostitution as a glamorous lifestyle, working with respectable and pleasant people. Whilst this may be the case for a small proportion of prostitutes who operate in so-called high-class circles, for the vast majority of prostitutes, this is nothing short of fantasy.

The best way to describe the practical effects of prostitution is to read extracts from the 2006 article by Melissa Farley, a PhD who is published in the *Yale Journal of Law and Feminism,* titled, 'Prostitution, Trafficking, and Cultural Amnesia: What We Must Not Know in order To Keep the Business of Sexual Exploitation Running Smoothly'. The writer is a clinical psychologist and author and has been conducting research worldwide into prostitution since 1993. That extensive research gives her a unique insight into the realities of prostitution. There is work from other suitably qualified people, which I will refer to later in my contribution as well.

The first extract is rather lengthy. I do not wish to labour the points that I wish to make, but I have decided that the only way to accurately depict the harm that prostitution causes is to read some of these word for word. Perhaps it is a good thing that we do not know much about the reality of the world of prostitution. These extracts paint a very different picture from one that we might easily assume is the case. I quote:

U.S. prostitution can be understood in the context of the cultural normalisation of prostitution as a glamorous and wealth-producing 'job' for girls who lack of emotional support, education, and employment

opportunities. The sexual exploitation of children and women in prostitution [in particular] is often indistinguishable from incest, intimate partner violence, and rape. Indian feminist Jean D'Cunha asked, 'What will be the...outcome of struggles against sexual harassment and violence in the home, the workplace, or the street, if men [usually] can buy the right to perpetrate these very acts against women in prostitution?'...In the past two decades, a number of authors have documented or analysed the sexual and physical violence that is the normative experience for women in prostitution. Today, there is a significant peer-reviewed literature documenting the violence in prostitution. Familial sexual abuse functions as a training ground for prostitution. Survivors link childhood physical, sexual, and emotional abuse as children to later prostitution. Many studies lend support to this analysis. Seventy per cent of the adult women in prostitution in one study said that their childhood sexual abuse led to entry into prostitution.

Seventy per cent. The article goes on to say:

Early adolescence is the most frequently reported age of entry into any type of prostitution. As one girl said, 'We've all been molested. Over and over, and raped. We were all molested and sexually abused as children, don't you know that? We ran to get away...We were thrown out, thrown away. We've been on the street since we were 12, 13, 14.

According to the empirical data (but not according to single-person, 'happy-hooker' narratives)—

as they are referred to—

familial abuse or neglect is almost universal among prostituted women. Of fifty-five survivors of prostitution at the Council for Prostitution Alternatives in Portland, eighty-five per cent reported a history of incest, ninety per cent a history of physical abuse, and ninety-eight per cent a history of emotional abuse. Multiple perpetrators of sexual and physical abuse were the rule rather than the exception.

Sexual violence and physical assault are the norm for women in all types of prostitution. One Canadian observer noted that ninety-nine per cent of women in prostitution were victims of violence, with more frequent injuries 'than workers in [those] occupations considered...most dangerous, like mining, forestry, and firefighting.' Prostituted women in Glasgow said that violence from customers was their primary fear. Physical abuse was considered part of the job of prostitution, with the payments sometimes determined by each individual blow of a beating or whipping.

Violence is commonplace in prostitution whether it is legal or illegal. 85 five per cent of prostituted women interviewed in Minneapolis-St. Paul had been raped in prostitution. 85%. Another study found that eighty per cent of women who had been domestically or transnationally trafficked suffered violence-related injuries.

Of 854 people in prostitution in nine countries, eighty-nine per cent wanted to leave prostitution but did not have other options for survival. Researchers have found that two factors are consistently associated with greater violence in prostitution: poverty and length of time in prostitution. The more customers serviced, the more women reported severe physical symptoms. The longer women remained in prostitution, the higher their rates of sexually transmitted diseases. When prostitution is assumed to be a reasonable 'job option' women's intense longing to escape it is made invisible.

The article goes on to say:

Prostitution can be lethal. A Canadian commission found that the death rate of women in prostitution was 40 times higher than that of the general population. 40 times higher. A study of Vancouver prostitution reported a thirty-six per cent incidence of attempted murder. In prostitution a woman does not stay whole. She loses her name, her identity and her feelings. Over time the commodification and objectification of her body by pimps and [so-called] johns are internalised. Portions of her body are numbered and compartmentalised. Eventually she also views her body as a commodity rather than as an integral part of herself. Trauma and torture survivors commonly experience this profound disconnectedness.

Still quoting from the same article:

Reviewing four studies of disassociation among women in prostitution, researchers concluded that disassociation is a common psychological defence in response to the trauma of prostitution. The disassociation necessary to survive rape, battering and prostitution in adulthood is the same as that used to survive familial sexual assault. Disassociation has been observed as a consequence of torture and a means of surviving it. Most women report that they cannot prostitute unless they disassociate. When they do not disassociate they are at risk of being overwhelmed with pain, shame and rage. One woman explains: 'It's almost like I train my mind to act like I like [prostitution] but not have any thoughts. I have the thoughts like, "What is this doing to my body and my mind and my self-esteem?" a few days later but not as it's happening...Even though the guys are paying me for it, I feel like they're robbing me of something personal. And I wonder, "Why are they doing this?"'

Post-traumatic stress order (PTSD) commonly occurs among prostituted women and is indicative of their extreme emotional distress. PTSD is characterised by anxiety, depression, insomnia, irritability, flashbacks, emotional numbing and hyper alertness. In nine countries, we found that sixty-eight per cent of those in prostitution met criteria for a diagnosis of PTSD, a prevalence that was comparable to battered women seeking shelter, rape survivors seeking treatment and survivors of state-sponsored torture.

Across widely varying cultures on five continents, the traumatic consequences of prostitution were similar. Vanwesenbeeck noted comparable symptoms among women in legal Dutch prostitution. Results from two studies of prostituted Korean women reflect the women's intense psychological distress, with PTSD prevalence rates of seventy-eight and eighty per cent.

Most people who have been in prostitution for any length of time have difficulty with sexual intimacy. Sex becomes a job rather than an act of love or passion. It's difficult to see one's chosen partner as anything but a john.

In Chicago, for example, the same frequency of rape is reported by women in both escort and street prostitution. Although some studies report greater violence in outdoor prostitution, the difference is trivial when contrasted with most people's assumptions of what constitutes reasonable physical and emotional risk. For instance, while women prostituting on the street in Glasgow were almost twice as likely to experience violence than women prostituting indoors, forty-eight per cent of the women prostituting indoors were subject to frequent and severe violence. Among women prostituting in South Africa, while there was significantly more physical violence in street prostitution as compared to brothel prostitution, there was no difference in the women's emotional distress resulting from either street or brothel prostitution.

The Stockholm syndrome is a psychological strategy for survival in captivity. In inescapable situations, humans form bonds with their captors. The traumatic bonds established between women and prostitution and their pimp/captors is identical to those battered women and their batterers. In the absence of other emotional attachments, women appear to choose their relationships with pimps and may be psychologically at home with men who exercise coercive control over them. In order for a woman to survive prostitution on a day-to-day basis, she must deny the extent of harm that pimps and johns are capable of inflicting.

Both survivors of prostitution and johns explain that pornography is prostitution with a camera. Pimps make more money from johns when they advertise women in prostitution as 'adult film stars' who are available as 'escorts'.

Prostitution is advertised online, where it is indistinguishable from pornography. The Internet has expanded the reach of traffickers and it has intensified the humiliation and violence of prostitution. Pornography is one specific means of trafficking women for the purpose of selling women into prostitution. On pornography/prostitution websites, women are for rent and for sale. They are moved across town, across the country, and from one country to another.

Women in prostitution are described as escorts, hostesses, strippers, dancers, and sex workers. Sometimes these words are used by women in prostitution in order to retain some dignity. The term sex worker suggests that prostitution is a reasonable job for poor women, rather than a violation of their human rights. The words sex worker imply 'order, hierarchy, and accountability...It says board of directors...and marketplace niche.' In that one word—work—we lose ground in the political struggle to understand prostitution as violence against women.

In legalised prostitution, the state assumes the role of pimp, collecting taxes and regulating the practice of prostitution. Decriminalised prostitution is a radical removal of any and all laws regarding prostitution (including laws against pimping, pandering, purchasing and procuring) so that the buying and selling of people in prostitution is considered the legal equivalent of buying candy.

Although advocates allege that legalising prostitution would remove its social stigma, in fact, women in legalised prostitution are still physically and socially rejected, whether they are in rural brothels ringed with razor wire or in urban brothels walled-off from the city. Zoning of the location of legal or state-tolerated prostitution is a constant source of legal battles, since no-one wants prostitutions taking place in his neighbourhood. Legalisation is not only ineffective in removing the stigma of prostitution: it also fails to protect women from violence.

Many women in prostitution tell us that legalised prostitution will not make them any safer than they were in illegal prostitution. Thus legal brothels in the Netherlands may have as many as three panic buttons in each room. Dutch, South African, and Australian pimps have commented on the extreme physical violence that johns inflict on women in prostitution, and some Australian women in prostitution are advised to take classes in hostage negotiation. When rapes occur, however, women in legal strip clubs are told to keep silent or be fired. Women in prostitution speak constantly of its violence.

Although 'health checks' of prostituted women occur in legal prostitution, the purpose of the screening is to provide the buyer with an HIV-free commodity. The health check is not aimed at protecting the woman in prostitution from HIV transmitted to her by johns.

Because sexual harassment and sexual violence are intrinsic to legal as well as illegal prostitution, and because rape is a primary means of transmission of HIV, the threat of contracting HIV is not at all diminished under legal prostitution.

A Nevada legislator stated, 'Condoning prostitution is the most demeaning and degrading thing the state can do to women. What...[Nevada] do[es] as a state is essentially put a US-grade stamp on the butt of every prostitute. Instead, we should be turning them around by helping them get back into society'.

The article asks:

What is a better solution? In 1988, Andrea Dworkin suggested that prostitution should be decriminalised for the prostitute while at the same time criminalising johns, pimps and traffickers. Today such a law exists in Sweden. Recognising that prostitution deserves abolition, the Swedish government criminalised the john's and pimp's and trafficker's buying of sex but not the prostituted person's selling of sex. The law made clear that 'in the majority of cases...[the woman in prostitution] is a weaker partner who is exploited,' and it allocated funding for social services to 'motivate prostitutes to seek help to leave their way of life.' Two years after the law's passage, a government taskforce reported that there was a fifty per cent decrease in the number of women prostituting and a seventy-five per cent decrease in the number of men who bought sex. Trafficking of women into Sweden has also decreased.

There are also progressive legal developments in Korea where buying and selling sex acts is criminalised. In 2004, following an educational campaign by women's and human rights groups, the Korean government enacted laws authorising the seizure of assets obtained by trafficking in women, increased penalties for trafficking and prostitution, established supports and resources for prostituted/trafficked women, and provided funds for public

education campaigns about prostitution. The passage and enforcement of these laws has been credited with a thirty-seven per cent reduction in the number of brothels in Korea, a thirty-to-forty per cent decrease in the number of bars and clubs (which comprise eighty per cent of the sex industry in Korea), and a fifty-two per cent decrease in the number of women prostituted in brothels.

A Florida state law provides civil remedies for damages that johns and pimps inflict on prostituted women. Women who are coerced into prostitution via exploitation of social and legal vulnerability can sue johns and pimps for damages. Coercion is defined as restraint of speech or communication with others; exploitation of a condition of developmental disability, cognitive limitation, effective disorder, or substance dependence; exploitation of prior victimisation by sexual abuse; exploitation during the making of pornography; and exploitation of the human needs for food, shelter, safety, or affection.

A new consciousness about the harms of prostitution in the United Kingdom is evident in political commentary suggesting that men should be charged with rape even when they have sex with women who are intimidated into having sex with them, even if money is paid for that sex act.

Two international agreements strongly oppose prostitution and trafficking. The United Nations 1949 Convention declares that trafficking and prostitution are incompatible with individual dignity and worth. The Convention addresses the harms of prostitution to consenting adult women, whether transported across national boundaries or not. Viewing trafficked women as victims, not criminals, the 2000 Palermo Protocol makes consent irrelevant to whether or not trafficking has occurred and encourages states to develop legislative responses to men's [usually] demand for prostitution. The Palermo Protocol establishes a method of international judicial cooperation that would permit prosecution of traffickers and organised criminals. It addresses a range of other forms of sexual exploitation including pornography.

A 2006 report by the United Nations Special Rapporteur on the Human Rights Aspects of the Victims of Trafficking in Persons, Especially Women and Children, noted that prostitution as it is practised in the world 'usually satisfies the legal elements for the definition of trafficking' and therefore, legalisation of prostitution is 'to be discouraged.' The Special Rapporteur observed that 'the issue of demand is of crucial importance in addressing trafficking,' noting, '[b]y engaging in the act of commercial sex, the prostitute-user is...directly inflicting an additional and substantial harm upon the trafficking victim, tantamount to rape, above and beyond the harmful means used by others to achieve her entry or maintenance in prostitution'.

The paper concludes:

Postmodern descriptions of prostituted women as sex workers promote an acceptance of conditions that in any other employment context would be correctly described as sexual harassment, sexual exploitation, or rape. Women's experiences of violence and their psychological response to it cannot be theorised away. Postmodern analysis of prostitution that considers it to be 'just acting' or that views women's traumatic dissociative responses as proof of 'an exceptional control of the inner world' trivialise the existence of real violence against real women in prostitution.

A false distinction between prostitution and trafficking has hindered efforts to abolish prostitution. The word trafficking has been used by sex industry promoters to separate 'innocent' [so-called] victims of trafficking from women who choose prostitution. In reality, no such line exists. Understanding the realworld link between prostitution and trafficking is crucial to developing effective laws against trafficking. Since prostitution creates the demand for trafficking, the sex industry in its totality must be confronted. Unless existing prostitution laws are integrated into the newest state antitrafficking laws, we will not be challenging sex trafficking as it operates in the world.

That concludes my extensive reading of a number of extracts from the worldwide research papers of Melissa Farley PhD. One might well ask: 'Is prostitution in Australia like the very grim situation that she describes?' I suggest that there is no reason to think that prostitution here is any different to prostitution in the other countries mentioned. Indeed, her study includes Australian cases. In case anyone has the impression that these findings are reliant on any one particular viewpoint, I quote from lesbian feminist scholar and political activist Sheila Jeffries. She is a professor of political science at the University of Melbourne, and in a paper she presented in New York she says:

I shall suggest today that the social experiment of legalising brothel prostitution which took place in Australia in the 1980s and 1990s has failed in all of its objectives i.e. stopping the illegal industry and police corruption, reducing the harm to women, stopping street prostitution.

She goes on to say:

In fact these harms have increased and significant new harms have joined them, such as traffic in women. Australian legislation has been used as a model by those countries who have recently legalised, such as the Netherlands, and those who are considering it e.g. New Zealand. It is very important then, to look at how this experiment has failed lest other countries hope to alleviate the harms of prostitution by going down the same legislation track.

The article concludes:

The idea that men's prostitution behaviour is inevitable suggests that prostitution should be understood as a harmful traditional practice. It fits UN criteria for harmful traditional/cultural practices very well. It harms the health

of women and girls, it creates stereotype sex roles, it is for the benefit of men [usually], arises from the oppression of women and is justified by tradition.

There is one Australian organisation that has a great deal of contact with prostitutes and is able to give us an accurate account. I am referring to Linda's House of Hope, which operates in Perth. It is run by Linda Watson, who was a madam in brothels for over 20 years. She saw that prostitutes were unable to escape their situation, and she decided to make a complete change in her own life. Since then, she has devoted herself to offering prostitutes hope and giving assistance to those who want to leave the business.

From her 13 years of running Linda's House of Hope, Linda says that 98 per cent of the prostitutes have an addiction to alcohol, drugs and, in particular these days, ecstasy. Linda's work has resulted in her house being firebombed, shot at and its front windows smashed. She has been stalked and threatened, but she continues her work because she knows firsthand of the desperate plight of the prostitutes. I will read an extract of her submission to the Western Australian Attorney-General on prostitution law reform. It states:

> Are you aware that a new recruit in the sex industry is often introduced by the promise of earning large sums of money? We have all seen advertisements in the media which state that girls can earn big dollars. The girl is also told that she has to choose a new identity. (Ironically the madam can retain hers as she is in power.) If the girl cannot choose a name, she will be given one. Sadly some girls [after a while] have not heard their birth names for some time and some have even forgotten what their names are. These girls are also warned not to give customers their real name and address because of the risks of stalking which can result in them or their families being harmed. That should tell you how safe this industry is.

She goes on to say:

> Are you aware she is also warned about the dangers of violent customers? For example, The Ugly Mugs Program warns the girls of characters to look out for that target prostitutes. Paradoxically madams also fine girls for refusing drunk, abusive and even sometimes very elderly men. I am aware of [several] young 18 year old girls who have had sex with men old enough to be their grandfathers (and even great-grandfathers). I have even seen firsthand how some girls actually come out vomiting after one of these encounters. Perverts [can] roam the streets where private operators or brothels are located. Paedophiles seek children from prostituted mothers. Clients who are paedophiles like sex workers to dress up as children and they want them to pretend to be 10 years old or younger. Some want them to wear nappies and put a dummy in their mouth.

These are her words, not mine. She goes on to say:

> Are you aware that drug dealers pose as clients to introduce new recruits to drugs? Drugged girls earn more money for madams. I have heard madams say that 'girls are a dime a dozen'. Drug dealers use brothels as targets for making their drugs for organized crime. The list of damage is endless.

This is from a women who was herself in the industry for 20 years and who has been trying to help people for the following 13 years.

I now turn specifically to the question of human trafficking. The United Nations' body UNIFEM (now called UN Women) was the United Nations arm dedicated to advancing women's rights and to achieving gender equality. In 2011, it reported as follows:

> Women and girls comprise 80 percent of the estimated 800,000 people trafficked annually, with the majority (79 per cent) [of the 80 per cent] trafficked for sexual exploitation

Australia is part of this problem. As to human trafficking in Australia, Wikipedia states:

> The extent of human trafficking in Australia is difficult to quantify. However, it has been estimated that the number ranges between 300 and 1000 a year. The United Nations Office on Drugs and Crime lists Australia as one of the 21 trafficking destination countries in the high destination category.

In February last year, a media release from the Hon. Kate Ellis, my local member for the federal parliament and the federal Minister for the Status of Women, stated:

> Some 83 per cent of trafficking victims identified in Australia are women working in the sex industry.

Other reports indicate that many of these trafficked women caught up in prostitution in Australia are Asian women who have had their passports taken from them and are thus captive to the brothel owner. Any doubt about the fact that sexual slavery exists in Australia has been dismissed by a *Four Corners* investigation that was aired on 17 October 2011. It is valuable to hear the summary given at the introduction of the program, and again I quote:

> Tonight's program is about some of those brothels, under the cloak of official licence acting illegally behind closed doors, engaged in human trafficking and sexual slavery.
>
> It is also about a clear lack of concerted action at Federal and State levels to derail this trade in human misery and degradation; a trade that has been linked to crime syndicates operating globally.

This special Four Corners investigation conducted in tandem with the Fairfax Newspapers has exposed a practice where some Asian girls and women are tricked into coming to Australia as students and then held captive in brothels.

Others agree to come as sex workers but are then effectively enslaved.

The story also takes a close look at the vicious bashing outside a Melbourne brothel of a young man who is believed to have gone there to try to free his captive girlfriend, and the police decision not to prosecute his killer—a man with a criminal record who has been connected to a sex trafficking gang.

The program graphically showed how sex trafficking and sex slavery worked and the consequences for anyone who dared to cross the serious criminals who are conducting the business. It explained the purchase of women overseas, the false promises of education and work in Australia and how the women arrive here and have their passports confiscated, being told they must work off their debt through prostitution.

Two former sex slaves interviewed described how they were rostered to work up to 15 hours a day, seven days a week, servicing as many as 10 men per shift and performing degrading sex acts and unprotected oral sex. One had sex with more than 400 men in her first 12 months. Recently, on 10 July, a report appeared in *The Australian* newspaper about sex trafficking in Queensland. It said:

...officers in Mount Isa and across other Queensland mining towns were increasingly dealing with 'women and girls who cannot speak English, or who have a very low level of English, and a very low level of education, who are basically being trafficked for sex, from one mining town to the next'.

'They are working on a fly-in, fly-out basis, two weeks here, two weeks in the next town and so on; they are being advertised as available in the local newspapers, and they are coerced or threatened into doing it,' he said.

'They are being told they cannot go to the police because in the countries they come from, the police might even be part of the problem.'

'Threats are being made against their families. And whenever we have an operation to target them, they come into the station and you can see that they are being controlled mentally and physically and it's very difficult to get them to open up to authority and enable us to help them.'

That is the end of a quote from a serving police officer in Queensland.

I would now like to examine the situation of the law itself. Looking at the legal position in the other states of Australia and the practical effects of the various legislative regimes in particular, this is very helpfully covered in Research Paper No. 32 by our own parliamentary library, dated 29 February 2012; that is, earlier this year. It considers several states and also some other countries, and it states:

The New South Wales approach is an example of decriminalisation rather than legalisation (as in Queensland and the Netherlands) or criminalisation (as in Sweden). As of 1995, in NSW brothels are able to operate like other businesses. Brothels do not require special licenses and are only limited by council planning laws. Councils regulate brothels through Local Environmental Plans (LEPs) and Development Control Plans (DCPs), made in accordance with the [*Environmental Planning and Assessment*] Act. Councils can prohibit brothels from being located in certain areas (e.g. in residential zones); and they can specify the standards that apply to development applications for the use of premises as brothels in other areas...

However, despite the decriminalisation of the sex industry in NSW, there is still a rampant illegal industry. For example, in 2007 the Adult Business Association NSW reported that there were 775 illegal brothels operating in NSW. This revelation prompted a change in the law to allow local courts 'to order that gas and water supplies be cut off' so that councils could shut down these illegal brothels. The continued existence of an unregulated industry ensures that crime and corruption is still present in the sex industry in NSW.

Of course, that is where prostitution is decriminalised. As to the position in Queensland, the paper states:

Prostitution in Queensland became legal under the Prostitution Act 1999. The act was prompted by the 1987-1989 Fitzgerald Inquiry, and concluded that there was an intrinsic relationship between organised crime, police corruption and illegal prostitution. Fitzgerald argued that regulating prostitution would bring benefits to the community, through its control and the mandating of health checks, and to sex workers who could be offered protection through legitimate police involvement.

It also states that the Queensland Crime and Misconduct Commission 2011 concluded that:

...although the licensed brothel industry in Queensland is well-regulated...it exists alongside a legal but relatively unregulated sole operator sector and an illegal industry. While we reported some concerns about the impact on community amenity of sole operators working in some residential areas, for the most part there have been no problems identified with the sole operator sector. However, there has been significant concern expressed throughout this review about the ability of the illegal operators to masquerade as sole operators. The fact that this part of the industry is unregulated is set to contribute to that ability.

As to the Netherlands, the parliamentary research paper states:

However, the Government also notes that the trafficking of women is still a major problem even with the legalisation [of prostitution]. According to Sheila Jeffreys, the 'legalization of the prostitution industry makes trafficking in women more profitable' and estimates of prostituted women in the Netherlands are reported to be at least 50 per cent. The problem, as Jeffreys articulates, is that legalisation drives up demand and results in demand for prostitutes to be met by trafficked women. She continues that this may also affect local young Dutch women:

'Where trafficking of women fails to meet the demand, then local "loverboys" or pimps will increase their practice of "turning out" teenage girls that they romance and then coerce into prostitution. A recent report suggests that this is what is taking place in the Netherlands in 2007 as boys of Moroccan and Turkish descent "turn out" Dutch girls into the industry, tattooing the girls' arms with their names.'

As to Sweden, the paper states:

The 'Swedish Model' which was enacted in 1999 through the Prohibiting of Sexual Services Act criminalises the buying rather than the selling of sex. In doing so the law targets men as the main consumers of commercial sex, recognising the ever-present gender divide in prostitution.

The Swedish government is explicit in its understanding of prostitution and why it chooses to implement the criminalisation of the consumer model:

'The Swedish government and parliament have, through the implementation of the Legislation pertaining to the Protection of Women, defined prostitution as men's violence against women... No prostitution can be said to be voluntary.'

That is the Swedish government's view. According to the paper, the results of this approach are that some argue that prostitutes feel less protected, but the paper goes on to state:

Advocates challenge these views and argue that the Swedish model has important benefits. As evidence of the success of the approach, they cite reduced rates of prostitution, dropping by 30-50 per cent, a relative halt to the new recruitment of women in prostitution and comparatively less cases of trafficked women. Proponents of the Swedish model argue that the provisions have reduced the number of buyers of sex, dropping by around 75 to 80 per cent...

For completeness, I mention that prostitution is allowed and regulated in the ACT and the Northern Territory. In Tasmania a person must not be a commercial operator of a sexual services business which is a business providing sexual services for fee or reward. Western Australia prohibits all forms of prostitution. In 2008 Western Australia enacted legislation to legalise prostitution, but it has not come into effect and it appears that it will not do so, given the new government there.

What about legal and illegal brothels? I wish to say a few words about the practical consequences of having either legal or illegal brothels. Some suggest that the best approach is to legalise brothels, because then they can be controlled. I emphasise that this is not what is proposed in the bill on which I am making this speech. The bill simply makes every brothel legal without controlling mechanisms at all.

Even if control mechanisms were proposed, the argument that brothels can be controlled by legalisation is inherently wrong. It stands to reason that if brothels are legalised and licensed, then operators will want to save costs—as they are currently—and avoid regulation if they can operate illegally. Also, if hardened criminals wish to make money out of brothels, they will not qualify for a licence so they will operate illegally. If brothels are legal, it can only be a minor offence to operate an illegal one, anyway.

What do we find where brothels are legalised and supposedly regulated? As reported in *The Daily Telegraph* of 12 November 2011 late last year in New South Wales, a report by the government Interagency Brothels Taskforce concluded:

The statistics show 150 illegal brothels operate in the state, with hundreds more believed to be going unreported. Several industry figures estimate that there are at least 10,000 sex workers in New South Wales alone—putting the state on a par with Amsterdam. The European sex capital is now winding back its legal brothel numbers due to major problems with organised crime and people trafficking.

Another report in *The Daily Telegraph* of 18 May 2009 states:

An investigation by *The Daily Telegraph* has revealed illegal brothels and escort services outnumber licensed establishments by four to one and the gap is growing...The Adult Business Association estimates the number of illegal sex services in the metropolitan area has blown out to exceed 400.

The Daily Telegraph report of November 2011, referred to earlier, also states:

'There's no probity checks done in NSW. Any Tom, Dick or Harry can own a brothel, irrespective of their criminal background. You can be a murderer or a crime boss and legally own a brothel authorised by council.'

Acting Lord Mayor of Parramatta, Mike McDermott, agreed councils did not have the ability to stop the spread of brothels: 'We've been powerless to stop brothels starting up in our area.'

Councils are unable to control illegal brothers. That is the simple fact. Another article in *The Daily Telegraph* dated 8 April 2011 says, referring to one local council in the Sydney area:

[One legal brothel owner] was frustrated the Oriana Bath House continued to operate in the wake of the ICAC revelations and a report in *The Daily Telegraph* last November.

'The council has known the Oriana Bath House has been illegally providing sex for years,' she said.

Council general manager Nick Tobin defended the council's record, saying it was a difficult process to close illegal brothels: 'Closing a brothel can take up to six months and cost more than $10,000 per instance.'...The council has spent more than $13,000 in the current financial year just trying to close Oriana, he said.

I would now like to make a brief comparison with the Victorian act and consider the position of Victoria in some detail. A good summary appears in the parliamentary paper to which I referred earlier and it says as follows:

Prostitution in Victoria is controlled through a combination of planning processes and a licensing system. Consumer Affairs Victoria, Victoria Police and local councils each respectively enforce the licensing, criminal and planning requirements of the act. The licensing and registration scheme is administered by the Business Licensing Authority...The Sex Work Act 1994 (Vic) also establishes an Advisory Committee to advise the Minister on the prostitution industry in Victoria (section 67). Its legal framework is one of partial legalisation.

The proposal in the bill now before us that has been presented to this chamber by the minister is simply to remove the laws that make prostitution illegal. In contrast, when you look at the legal position in Victoria, the Victorian Sex Work Act 1994, which goes for 194 pages, has provisions concerning all of the following issues:

1. Underage girls as sex workers.

2. Controls on street sex workers (and it makes it illegal).

3. Controls on advertising. Persons must not describe the services offered or advertise on radio or TV.

4. Infected sex workers must not work.

5. Banning notices can be issued. Persons found by police committing offences must not stay in the area.

6. Brothels must be licensed with the Business Licensing Authority. This prevents criminals from operating brothels and enables the authorities to know where all legal brothels are located.

7. Requirements for applications for licences are set out in the legislation.

8. A licensee is responsible for control of brothel premises.

9. There are provisions for an annual fee and statement to be provided by the operator.

10. Approved managers are required to be named.

11. A tribunal has disciplinary powers.

12. Powers of inspections are set out.

13. Orders can be made requiring supply of information and answers to questions by operators.

14. Powers of entry by authorities are specified.

15. There are specific planning controls, and matters to consider are specified.

16. No brothels are permitted in residential zones at all.

17. Persons may not have an interest in more than one brothel, licence or permit at all.

All these issues are dealt with in the Victorian act.

An editorial in *The Sydney Morning Herald* of 13 October 2011, concerning prostitution in Victoria and entitled 'Legalising prostitution has not made women working safer', stated:

Prostitution was legalised in Victoria in 1984 to tackle three problems: illegal prostitution and police corruption, harm to women and street prostitution. More than 15 years later, these problems have grown worse, not

better. Estimates from police and the legal brothel industry put the number of illegal brothels at 400 in Victoria, four times the number of legal ones, and legal brothels are being used as fronts for illegal operators and criminal activity. Brothel owners have been caught bribing local government officials to warn them of licence checks.

The editorial concludes:

If legalising prostitution hasn't eliminated the problems of the sex industry, what will? We need to look to Sweden for the answer—

it says—

The Swedish government criticises countries such as Australia that allow legal prostitution on the basis that it generates demand for the criminal activity of traffickers and organised crime. Swedish bureaucrats understand that prostitution and trafficking are two sides of the same coin. In 1999 they made pimps, traffickers and prostitution 'clients' [so-called] liable for criminal prosecution.

A detective inspector with Sweden's National Police Board notes that, since 1999, the country has become unattractive for traffickers, because they can no longer 'earn as much money as they want to'.

However, the bill we are debating at the moment has none of the safeguards found in the Victorian act—the 17 I have just read, and, of course, there are others. Problems of illegal brothels, sex trafficking, criminals and corruption have continued in Victoria, notwithstanding the very forthright or supposed regulation they have.

In South Australia, the bill we are debating means that a brothel could be operated by serious criminals and there would be no power of any authority whatsoever to prevent this. The authorities would not even know with any certainty where brothels were located and therefore would not be able to regulate them in any meaningful way. The bill does not propose any scheme of regulation whatsoever; it is simply open slather for prostitution.

In terms of town planning considerations, no planning controls are proposed in this bill we are debating other than the minimal provisions that brothels are not to operate within certain distances of churches and schools. Presumably, brothels could be established in residential areas with impunity, subject to council development plans, one assumes, which are always couched in vague terms anyway as to what is permitted and what is not. If brothels were legal, would a homeowner be entitled to object to one next door? Would brothels be permitted in local shopping centres zones, for example, near playgrounds perhaps, or near sports grounds or clubhouses which may be, and indeed are, frequented by children?

A submission by the Law Society of South Australia, dated 29 June 2012, just a few weeks ago, commented on the 2011 bill and the bill we now have before us and we are currently debating. It stated:

Firstly, in relation to section 10(1)(a) of the 2011 bill, we regard 200 metres to be too close in proximity to a children's facility for a premises to be used for the purposes of sex work. We note that section 29 of the 2012 Bill has retained 200 metres as the prescribed distance from which a premises may be established from a 'prescribed children's service'; reduced to 50 metres in the central business district. We regard—

this is the Law Society—

50 metres and 200 metres as being too close.

The submission also points out that in the 2011 bill a brothel cannot operate within 200 metres of a children's playground, but there is no such prohibition in the current bill, which is most unsatisfactory. We also need to ask: if brothels are so undesirable that we should hide them from children, why should we allow them at all? The Law Society's submission also states:

Thirdly we raise concern of there being no provision in the 2012 Bill to make it a specific offence for children to be present or living at the premises at any time during the operation of the sex business. The 2012 Bill again omits to protect children who may be present or reside in a premise used for sex work.

Clearly, this is unsatisfactory and the Law Society has spelt out a number of problems.

There is no restriction whatsoever proposed on advertising either by this bill. Presumably, advertisements on building and billboards could display pictures of the services offered, only subject to the laws of decency that monitor these sorts of things. Explicit advertisements could be placed anywhere, even near schools, playgrounds, churches or wherever, and presumably TV and radio advertising could also occur and, no doubt, would occur as it has in other states. There is no authority charged with overseeing, regulating or controlling prostitution under this bill. Who will monitor the extent to which prostitution results in crime, drug addiction, trafficking of women or regulated illegal activities? Whose responsibility will it be to take action to control these things?

What about enforcement? If a brothel is found to be operating illegally in some way, such as being involved in people trafficking, who will be prosecuted: the owner, the manager, who? There is no official record of any licensee or manager of a brothel under this proposed bill. If a person is prosecuted, what is to stop that person from continuing to operate the same or other brothels illegally? Will bikies and criminal gangs be allowed to continue in this profitable line of business? Can we expect turf wars between criminal gangs competing for territory in which to operate brothels? Will others be stood over and forced out of the business?

Since there are to be no inspectors under this bill, will police have any special powers at all—certainly there are none mentioned in the bill—such as to require entry into brothels, or to question workers about their conditions? Will this be left to SafeWork SA or WorkCover or anyone else not specified in the bill? What will happen to prostitutes who contract a sexually transmitted disease? Again, not specified. Are they permitted to continue working or are we to pretend that the fact that the bill provides that condoms must be used will solve all these problems?

The bill provides that in certain circumstances soliciting is illegal. Section 25 of the Summary Offences Act presently prohibits soliciting in public and also prohibits loitering for the purposes of prostitution. The new replacement section 25 will not prohibit loitering in a public place for the purposes of prostitution—will not prohibit it. In order to prove an offence, a policeman would, at the very least, have to reach an agreement with the prostitute for her services, including the price. Police observing a woman blatantly dressed as a prostitute and loitering in a known haunt for prostitutes would be insufficient to prove an offence; more proof would be needed under this bill. The bill will not prevent street prostitutes and, indeed, it does not seek to. The fact that prostitution will be legalised will increase the number of street prostitutes.

When you put all this together, prostitution hurts women, it hurts men, in fact, and it certainly hurts families, and I believe it hurts society. Family First will strongly oppose any bill that seeks to make prostitution more available and, in particular, Family First will oppose this bill which does not include any safeguards or protections virtually whatsoever.

I have a couple of final remarks. Members may recall that I asked the minister a question on this topic yesterday in this chamber. This is not a criticism of the minister in any way; I respect that people have different views on different topics. However, I did want to address her answer in some way at least. In the minister's answer to my question she referred to the New Zealand model of prostitution, where prostitution is legalised, and she gave it as an example of where things appeared to be working well, or something to that effect.

I have a couple of very recent newspaper articles from New Zealand that I came across only today dealing with this issue. I will not read them out in full but I will quote small sections. One is from the *New Zealand Herald* dated 19 May 2010 and it states:

> A sleazy, under-age sex trade has been found in Christchurch after a police swoop netted several young prostitutes including a 12-year-old from the city's streets.

The article later goes on to state that the police swoop was part of promised action on the teenage prostitution problem after a noticeable increase in the number on the streets. The concern for prostitutes had grown since the murder of prostitutes Suzie Sutherland (who was 36) and a 24 year old who has had her name suppressed. Children's Commissioner, Cindy Kiro, said the situation also existed in South Auckland. She said:

> It is unacceptable that people use those services and it is unacceptable that children may see that as a possible profession.

I quote from another article from New Zealand, held up as a model of success of legalised prostitution, also from the *New Zealand Herald,* by journalist Josh Gale. It was published on Friday 11 June 2010 and is entitled 'An underage prostitute working in Auckland's CBD'. I quote in part:

> Police are worried by a rise in underage prostitution in downtown Auckland, where girls as young as 12 are selling themselves for sex. Senior Constable Mark Riddell of the Auckland central police youth action team said that in the past six weeks operation City Door had identified at least 13 girls under 16 as active prostitutes.

Further down in the article it says (and this I think is a particularly offensive):

> 'Young meat earns a lot of money,' said Ms Baker. 'Under-age prostitution has always been a problem, but there is an increase. We are seeing more and more young girls out there.'

I could quote in more detail, but I will not. I use those examples just to highlight the fact that New Zealand is no example of legalised prostitution working well at all; if anything it is an example of its not working, according to its own media.

My final comment is this: I have given a lengthy contribution tonight, and I thank members for their patience. If this bill were to pass the negatives substantially outweigh any perceived positives. There are real problems with this bill. There are no safeguards and I think, unfortunately, women will be the losers, as will families, and even men will be the losers if this bill passes.

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

VISITORS

The PRESIDENT: I welcome to the South Australian parliament the Exchange Teachers' League, who are guests of minister Portolesi and are hosted tonight by the Hon. Steph Key. They are from Canada, America, Germany and Reunion Island. Welcome!

Honourable members: Hear, hear!

OLYMPIC AND PARALYMPIC GAMES

Adjourned debate on motion of Hon. J.S. Lee:

That this council congratulates all the South Australia athletes for their selection to the Australian team for the 2012 London Olympic and Paralympic Games.

(Continued from 30 May 2012.)

The Hon. G.A. KANDELAARS (21:17): It is my great pleasure to speak today in support of the Hon. Jing Lee's motion, congratulating all our athletes on their selection to the Australian team for the 2012 Olympic and Paralympic Games. While the Australian Olympic Committee has announced its full team, we are aware that the final selection for London for the Australian Paralympic Committee is yet to occur.

A total of 38 South Australians have been selected to represent Australia at the 2012 London Olympic Games, in 16 sports. They are:

- Jessica Trengove, Henry Frayne and Claire Tallent—athletics;
- Johan Linde—boxing;
- Hannah Davis—canoe sprint;
- Anna Meares, Matthew Glaetzer, Glenn O'Shea, Alex Edmondson, Annette Edmondson, Jack Bobridge and Rohan Dennis—track cycling;
- Sam Willoughby and Brian Kirkham—BMX cycling;
- Hayden Stoekel—swimming;
- William Henzell—table tennis;
- James McRae, Chris Morgan, Bryn Coudraye, Renee Chatterton and Sally Kehoe—rowing;
- Rachel Bugg—diving;
- William Godward and David and Hayley Chapman—shooting;
- Blake Gaudry—trampoline;
- Leanne Choo—badminton (I gather she is a good friend of the Hon. Jing Lee);
- Becchara Palmer—beach volleyball;
- Aden Tutton, Nathan Roberts, Harrison Peacock and Grigory Sukochev—volleyball;
- Joe Ingles, Brad Newley, Abby Bishop and Laura Hodges—basketball; and,
- Lleyton Hewitt—tennis.

These selections reflect the strong international performances by South Australians during the 2011-12 year, with 11 South Australian Sports Institute (SASI) athletes winning a total of 10 gold medals at senior world championships.

Some of the most recent titles were determined at the Track Cycling World Championships in Melbourne in April. At the event, 44 per cent of the senior Australian national team was comprised of SASI scholarship holders, winning a total of four gold, seven silver and one bronze.

The undisputed star of the championships was Anna Meares, who broke the world record on her way to winning two golds, one silver and a bronze.

Glen O'Shea also gave notice to international rivals in the lead up to the Olympics by taking out the gold in the men's omnium. World championships debutant, Annette Edmondson, confirmed her status as a rising star in world cycling by finishing with a silver in both the women's omnium and the team pursuit event. Jack Bobridge won two silver medals in the men's team pursuit and individual pursuit elements.

It is therefore no surprise, after such performances at the Track Cycling World Championships, that half of the Australian track cycling team for the 2012 Olympic Games are SASI scholarship holders. Other SASI world champions confirmed for the 2012 London Olympic Games are James McRae and Chris Morgan in rowing and Sam Willoughby in BMX cycling.

Included in the selections are a number of unique combinations, including the first brother and sister to represent Australia in track cycling at the same Olympics, Alex and Annette Edmondson from Stirling. Also unique is the first ever father and daughter combination to represent Australia at the same Olympics, David and Hayley Chapman, in the pistol shooting disciplines.

For the 2012 London Paralympic Games, 13 South Australians have been selected for the Australian team. They are: Libby Kosmala, shooting—Libby is my mother's neighbour, she is a great ambassador for those with a disability and a great ambassador for South Australia—Rachel Henderson, goalball; Gabriel Cole, Katy Parrish and Michael Roeger, athletics; Felicity Johnson, Stephanie Morton (pilot), Kieran Modra and Scott McPhee (pilot), cycling; Grace Bowman, equestrian; and Matthew Cowdrey, Jay Dohnt and Esther Overton, swimming.

In preparing for her 11th Paralympic Games, Libby Kosmala has been virtually synonymous with the Paralympics throughout its history in South Australia. I for one, would like to congratulate her for her feats. As I said earlier, she is a great individual. In comparison, Rachel Henderson will be a Paralympic debutant, having only started competing in goalball two years ago. Current South Australian para track cycling world champions, Felicity Johnson and her pilot Stephanie Morton, along with 2011 para track cycling world champions, Kieran Modra and pilot Scott McPhee, are expected to do well at the Paralympics.

The London 2012 Paralympic Games could also see Matt Cowdrey become Australia's most successful Paralympian. Currently boasting eight gold medals, five silver and two bronze to his name from two games, he needs to win three more gold medals to achieve that feat. On current projections, a total of 14 South Australian SASI athletes are likely to be selected on the 2012 Australian Paralympic team.

Whether a debutant or multigame veteran, this is an exciting time for our athletes and a just reward for their absolute talent as well as their perseverance and hard work over the years. The South Australian Sports Institute (SASI) has played a critical role in the identification, development and support of these athletes in their Olympic and Paralympic quests and journeys.

SASI partners with national and state sporting organisations to conduct intensive coaching and support programs. The institute also partners with the Australian Institute of Sport and national sporting organisations to play a pivotal role in hosting a number of key national programs here in Adelaide. These include the world powerhouse, Cycling Australia, and the AIS track cycling, as well as the AIS beach volleyball and the national trampoline program.

Australia's high performance is increasingly complex and comprehensive, with athletes now more than ever moving around the country to ensure they have access to the best programs and training environments for their needs. In the lead-up to events like the London Olympics and Paralympics, the requirements for international competition and training are increasingly vigorous, and the intense work and training of the athletes are guided by the critical stewardship of coaches and supported by technical and scientific edges that are able to be provided through the likes of SASI and the AIS.

Stable and supportive home environments are a hallmark of many champions and elite athletes. It is at moments like this that we should all recognise and thank the parents and partners who provide support to our sporting champions. Their support and sacrifice are a critical factor in enabling many of these athletes named today to have a chance to experience Olympic and Paralympic competition. Therefore, it is without hesitation that I support this motion and congratulate all South Australian athletes chosen to represent Australia in the forthcoming 2012 Olympic and Paralympic games.

The Hon. J.S. LEE (21:26): I thank the Hon. Gerry Kandelaars for his very wonderful contribution to this motion. It is very gracious of him as well to suggest that tonight we should encourage this motion to move through the house as a way of congratulating all South Australian athletes before the Olympics begin.

I would like to make some concluding remarks, if I may. Australia is a country that epitomises a sporting nation. As a big country with a relatively small population, our athletes perform and compete extremely well and produce some of the most amazing sporting achievements on the world stage. The Hon. Gerry Kandelaars has mentioned that we are sending 38 athletes as part of the Australian contingent of more than 400 athletes representing Australia at the Olympic Games.

I understand that the Hon. Gerry Kandelaars has already mentioned some of the names, but I also would like to read them into *Hansard* because I think it is so important that when athletes work so hard to achieve this particular milestone in their athletic careers they should be placed on the record.

I congratulate, acknowledge and pay tribute to, in the athletics area, Jessica Trengove, Henry Frayne and Claire Tallent. In badminton, my favourite girl, Leanne Choo, will be representing in the women's doubles. In basketball, we have Abby Bishop, Joe Ingles, Laura Hodges, Jenni Screen and Brad Newley; in beach volleyball, Becchara Palmer and Louise Bawden; in boxing, Johan Linde; in canoe/kayak, Hannah Davis; and, in BMX, Brian Kirkham and Sam Willoughby.

In cycling, of course, we have a large contingent: Stuart O'Grady, who will be wearing the Australian colours for the sixth time at an Olympics, Jack Bobridge, Rohan Dennis, Alex Edmondson, Matt Glaetzer, Annette Edmondson, Anna Meares, Shane Perkins, Kaarle McCulloch and Glen O'Shea. Annette and Alex will be the first brother and sister team to represent Australia at the same Olympics.

In diving, we have Rachel Bugg; in gymnastics, Blake Gaudry; and, in rowing, Renee Chatterton, Bryn Coudraye, James McRae and Chris Morgan. In shooting, we have David Chapman and Hayley Chapman, the father and daughter team, and Will Godward. In swimming, we have Hayden Stoeckel, who is a 27 year old from the Riverland, one of the top swimmers. He won silver in the medley relay and bronze in the 100 metres backstroke in Beijing, so let us look out for our Riverland chap, Hayden.

In table tennis, we have William Henzell, and in tennis we have Lleyton Hewitt, of course. In volleyball, we have Harrison Peacock, Nathan Roberts, Greg Sukochev, and Aden Tutton.

As many of you know, the Olympic symbol consists of five interlocked rings. The symbol represents a union of the five original major continents—Africa, America, Asia, Australia and Europe—and the meeting of athletes from throughout the world at the Olympic Games. More than 10,000 athletes in the world will be competing in the London Olympics this year. How exciting is that?

Australia is a highly competitive country when it comes to sport. Australia has finished in the top 10 countries since 1992 and, in the 2008 Beijing Olympic Games, Australia finished sixth. Let us make sure that we finish better than sixth. The Olympic Games provide Australia with the opportunity to compete against the world's best in a competition that promotes the spirit of friendship, solidarity and fair play. I would like to place on the record my congratulations, and I wish all the Australian athletes the very best in their endeavours. They are living their dream and they are making us proud. I wholeheartedly ask all honourable members in this chamber to support this motion.

Motion carried.

LEGAL, JUSTICE AND POLICE RETIREMENTS

Adjourned debate on motion of Hon. S.G. Wade:

That this council places on record its appreciation of the exemplary service to the people of South Australia by Chief Justice John Doyle, Commissioner of Police Mal Hyde and Director of Public Prosecutions Stephen Pallaras, and their contribution to the legal, justice and policing services of the state.

(Continued from 16 May 2012.)

The Hon. CARMEL ZOLLO (21:32): I respond on behalf of the government in this chamber, and I thank the honourable member for moving this important motion in the Legislative Council. I do not intend to speak for long as both the Attorney-General and the Minister for Police in

the other place have already placed on the record the government's appreciation of the committed service given by all three of these outstanding public servants.

Just briefly, in relation to the Hon. John Doyle AC, only the eighth chief justice we have had in South Australia, he is without doubt one of the most respected and outstanding leaders this state has ever had. I believe that I could not possibly do better than place on the record in this chamber the words of the Attorney-General in the other place in speaking to this motion. He said:

> First, can I just say a few remarks about Chief Justice John Doyle.

Clearly he was speaking at the time just before his retirement. The Attorney-General continues:

> John Doyle for anyone who knows him is a most remarkable man—a man of enormous balance, great intellect, enormous patience and a truly inspiring leader for the court, both by reason of his temperament and his great capacity for work. He has been a tireless administrator and leader of the court, and I do not think there would be anyone in the legal profession in South Australia who does not have absolutely enormous respect for Chief Justice Doyle. He is a person who has made a substantial impression on everyone who has met him but in a quiet, measured and entirely decent fashion.

I know that those comments are echoed by all in this chamber. I have personally had the opportunity to meet the former chief justice on several occasions as part of my parliamentary duties and I have always found him to be a considered gentleman. Many years ago, because we both had connections with St Ignatius College, we were invited to be interlocutors at the yearly Jesuit Lenten Seminars. The title of the seminar that year was 'Morality in Public Life', and the two guest speakers and the audience could not have asked for a more appropriate person than our former chief justice to take part in that conversation.

On behalf of the government in this chamber, I add my sincere best wishes to the Hon. John Doyle AC and his family for his long and enjoyable retirement. Most importantly, our thanks go to him on behalf of the people of South Australia for his commitment and distinguished service.

Since the honourable member opposite moved this motion, the government has announced the appointment of the ninth Chief Justice to our state, the honourable Chief Justice Chris Kourakis. He is now our ninth Chief Justice of the Supreme Court of South Australia, and I take this opportunity to place on record on behalf of the government in this chamber our congratulations on his appointment. Premier Weatherill described our new Chief Justice as follows:

> Justice Kourakis has had an outstanding career, serving the court and the community with distinction. He has the leadership and management skills to lead the court in this exciting new era for the justice system in South Australia.

I add my best wishes and congratulations.

This motion also rightly recognises the second longest serving SA police commissioner, former commissioner Mal Hyde. I know that the Minister for Police in the other place, as I have mentioned, has placed on record a lengthy contribution in relation to the service of former commissioner Mal Hyde.

I was personally pleased to have had the opportunity to work with the former commissioner in my then capacity as the first minister for road safety in our state, as a new portfolio. There was a great team effort by several agencies, including the Motor Accident Commission and the Road Safety Council, to educate and to promote road safety and to introduce legislative change, as well as enforcement, and I believe that we were able to achieve some sound results in the portfolio. Mr Hyde's leadership and commitment was always unwavering.

In summing up Mr Hyde's service to South Australia one would use words such as 'thoroughly professional', 'immaculate integrity' and 'leader of institutional change in the force'. I will conclude with the words of minister Rankine in the other place:

> Commissioner Hyde leaves a legacy that has a positive impact on South Australians every day.

I add my congratulations to our new commissioner, Gary Burns. I will borrow the words of Premier Jay Weatherill, again, at the time of commissioner Gary Burns' appointment:

> Gary Burns has devoted his career to serving people of the state and there is no better candidate to lead South Australia's police force into a new era. His wide-ranging experience in law enforcement and his academic qualifications are typical of the enormous diversity of skills and experience within SAPOL.

I am certain, again, that I am joined by all in the chamber in offering our new commissioner all the best for his appointment and to congratulate him.

The third person this motion recognises is the former director of public prosecutions, Mr Stephen Pallaras. The Attorney-General, in the other place, at the time of announcing the appointment of the new DPP thanked Mr Pallaras. He said:

> I would also like to thank Stephen Pallaras for his seven years of dedicated service to the South Australian community as DPP. He has been a strong and courageous contributor to the justice system in the state, and I wish him well for his future.

I believe that Mr Pallaras has since taken up another position, and I am certain that we all offer him the best for his future.

Mr Adam Kimber SC has been appointed South Australia's new Director of Public Prosecutions, and our congratulations go to him in undertaking this very important role. I would like to thank the honourable member opposite, the Hon. Stephen Wade, for bringing this motion to the chamber. I am delighted to be able to join all members in congratulating these three committed public servants on their outstanding contribution to the betterment of South Australia.

The Hon. R.L. BROKENSHIRE (21:40): I rise briefly on behalf of Family First and also from my own personal point of view to strongly support this motion from the Hon. Stephen Wade with respect to the retired chief justice the Hon. John Doyle, the soon-to-be retired (as of tomorrow) police commissioner Mal Hyde, and the retired former director of public prosecutions Mr Stephen Pallaras.

I admired Mr Pallaras and had a great deal of respect for him because, as the director of public prosecutions, it is very important that you are totally independent, that you have good knowledge of the justice system and that you are very determined to ensure that the work of prosecutions is done properly and unfettered from the government of the day. I believe that Mr Pallaras did a wonderful job on that and I also believe that Mr Pallaras had the full confidence of the South Australian community. Seven years is quite a time to serve as director of public prosecutions. He is a relatively young man, a knowledgeable man with international experience, and I personally would have been very pleased to see Mr Pallaras continue in that role for at least another seven years.

I am not sure that life was always made easy for Mr Pallaras. Notwithstanding that, Mr Pallaras as a strong and independent man, a knowledgeable, highly trained and experienced man, got on with the job. His job was not easy and he did publicly come out on occasions and express concerns he had about aspects of the law and the justice system and also about resourcing. I am not sure that this government actually appreciated the situation when Mr Pallaras spoke out but certainly as a member of parliament and a South Australian citizen and behalf of Family First, we did appreciate his honesty, his integrity and also the fact that he was not frightened to come out and speak on what he believed was important to deliver proper justice under the Westminster system. Mr Pallaras has now moved on. He has been a great asset for South Australia and I wish him and his family well in the future as he continues to practise overseas.

With respect to chief justice the Hon. John Doyle, along with colleagues in this house, I had the privilege of watching him for the whole of his time in that appointment. He was an exemplary chief justice. He was very committed to ensuring that the practices of the Westminster system were carried out properly and appropriately. He is also a very committed South Australian with strong values and very strongly and ably supported by his wife. On several occasions I saw both chief justice John Doyle and his wife out publicly supporting each other and supporting the South Australian community.

I have never heard a bad word about chief justice the Hon. John Doyle. I believe that we are in better shape as a state in respect of our justice system as a result of the many years we were privileged to have John Doyle as our chief justice. I think it is fair to say that on a multipartisan front all members of parliament and parties had incredible confidence and respect for the chief justice. I heard him speak at a Prison Fellowship function one night in 2011 and, whilst I had heard him many times before, that just reinforced to me the quality of the man to sum up in a few words.

He certainly has been a quality man in respect of his knowledge capacity, his integrity and his commitment to the justice system. I wish him and his wife every success in the future. It would be a very difficult job. It is just beyond our comprehension to imagine the complexity of a lot of the deliberation that he would have been involved with over that time, and I think he has not only left the justice system in good shape but he has set the justice system up for further modernisation and enhancement with the new Chief Justice.

The final point I will make is that, prior to the Hon. John Doyle becoming the Chief Justice, we did not really hear much about the Chief Justice in general public life, as they were generally very cautious in going into the media. Chief Justice John Doyle changed that and was very available to the community in the media, particularly on radio. He was happy to take talkback calls and the like and explain to the community more about the justice system. I commend him for that and I hope it will continue.

I know that his disappointment and frustration was that he did not achieve the capital works he wanted for the justice system in South Australia. However, having sat around the cabinet table, I would say that, whoever is Director of Public Prosecutions and whoever is Chief Justice, they will struggle to get capital works and improvement and that they will be expected to work in substandard conditions and with limited resources.

At the end of the day, particularly now with a very tight budget, whoever is in government will not see any votes in supporting that area of the justice system, but I hope I am wrong. I hope that whoever is in government—this government in the next couple of years, or whoever is in government after 2014—will prove me wrong on this occasion, but I think it will be a challenge that the government will struggle with.

You only have to look now at the backlog in the Remand Centre and the cases in the courts to realise that we are failing miserably. Even if you move the justice system aside for one moment, you will find that the cost of not being able to process those people through the courts is quite considerable for the South Australian community. I, for one, commend Chief Justice John Doyle for arguing for better resourcing, and I hope that the new Chief Justice will continue to exert the same pressure.

Finally, and equally as importantly, I would like to commend and thank Mal Hyde, the South Australian Commissioner of Police for 17 years. I was privileged to have the record for serving with Mal Hyde in my capacity as police minister for the longest time of all police ministers. From memory, I think Mal Hyde had seven police ministers, but I had the privilege of working with him for—

The Hon. J.S.L. Dawkins: Who was the best one?

The Hon. R.L. BROKENSHIRE: I don't know, but—

Members interjecting:

The Hon. R.L. BROKENSHIRE: No, I think probably it would have been someone not far away from you, John, but it is not for me to say. What I want to talk about is the police commissioner. The police commissioner came over here at a time when resources were tight, at a time when there needed to be additional recruitment and at a time when, to protect the integrity of what I think is the best police force in the world and the third oldest police force in the world, we needed to modernise the police department and its way of thinking. Mal Hyde did that, and he did that very well.

If you look at his achievements, not only did he increase police numbers from 3,000 to just over 4,000 police, plus civilians, but, as difficult as budgets were through the whole time he was there, he also managed to put enormous capital works into the police department. As a fitting tribute to his efforts over that period of time, he completed that with the two most important capital works projects, which I commend this government supporting the commissioner on: first, the new Police Headquarters and, secondly, the new Police Academy. Both were completed in the last year or thereabouts.

Every now and again you would see the police commissioner come out publicly in the media and raise concerns. He was very careful and calculated when he did, but whoever was police minister, Attorney-General, or Premier at that time knew that if the police commissioner was on the front page he had very good reasons for being there. One of the things he did need from the parliament and the government was the right legislative tools for the police to be able to do the job. In the last several months, he highlighted that again with issues such as outlaw motorcycle gangs.

I also want to put on the public record Family First's and my personal appreciation of the support provided to Mal Hyde by his wife, Marcia Hyde. She has been an absolute stalwart for the commissioner not only for the 17 years he has been our police commissioner but during his whole career throughout their marriage, going back to his days in Victoria. It would not be easy to get one degree let alone two degrees when you are already working and building a career in policing. Mr Hyde, prior to becoming our police commissioner, achieved both a law degree with honours and

also an MBA whilst a senior police officer in Victoria. He had all the integrity, experience and qualifications required to come to South Australia.

In answer to the Hon. John Dawkins' interjection earlier, I want to congratulate the Hon. Graham Ingerson, who had a difficult job when he was considering who he would recommend as police commissioner; I will not go into the other senior people who nominated at that time. Graham Ingerson made the decision to recommend the appointment of Mal Hyde, and I can say quite strongly and with knowledge that that was an excellent decision.

Since that time, I had the privilege of reappointing Mal Hyde on one occasion. Then, when this government came to office, it again reappointed Mal Hyde and then again gave him an additional period of time. The point I am making when I put that on the public record is that, irrespective of who was in government, this commissioner was strongly supported by both Liberal and Labor governments. It is a feather in the cap of the commissioner that he had the respect of the major parties when they have been in government.

Mal Hyde had one goal, and that was to ensure that the South Australian police department grew in a proactive and respectable way and that he increased the resources to back up the men and women of the force and to supply the right infrastructure for them. He also wanted to ensure that there was a reduction in crime. He can retire with pride because, whilst there are areas of concern in relation to crime, the fact is that quite a lot of the crime statistics have come down considerably over the 17 years that he was in office.

I would suggest that part of the reason for that is the review he did for local service areas, for Focus 21, for intelligence-based policing. At the time, some people had a question mark over that. I was well briefed on that at the time, and I was convinced that what he was doing was right. He supported John White, in particular, who drove a lot of that agenda with Commissioner Hyde. As a result of that work, today we see that crime in many areas is down, and we see a strong, vibrant, positive and proactive police department.

In my opinion, Mal Hyde has retired very young and could have kept going if he had wanted to. I want to conclude by saying that I had the privilege of working with quite a few CEOs, some of whom were reluctant to build opportunities for those around them and to have proper transition arrangements in place when they chose to retire. In the case of Commissioner Mal Hyde, when he retired he left many people capable of being police commissioner. As we know, three assistant commissioners and the deputy commissioner applied for that position. It is another feather in the cap of Mal Hyde that he was able to develop so many people around him who were capable of becoming the commissioner.

Gary Burns, who I have also had the privilege of working with over the years, is an excellent replacement, and I wish him much success and enjoyment in his new position as police commissioner. I also have to say that assistant commissioners Harris, Stevens and Kilmier had, have and will have incredible capacity to deliver at the very peak of the South Australian police department. With those words, Family First strongly commends this motion and particularly congratulates Mal Hyde on what I think can be described only as an outstanding and very successful career as South Australian police commissioner.

The Hon. S.G. WADE (21:55): I thank the Hon. Carmel Zollo and the Hon. Robert Brokenshire for their informed and warm remarks in support of this motion. It is noteworthy that the motion was addressed and supported by three members, one from each of the three parliamentary groups in this council: the opposition, the government and the crossbenchers. I believe the breadth of support in this chamber reflects the breadth and depth of the respect and appreciation in the South Australian community. We thank all three men for their service and wish them and their families all the best for the future. I commend the motion to the house.

Motion carried.

STATE SOVEREIGNTY

Adjourned debate on motion of Hon. S.G. Wade:

That the Legislative Review Committee inquire into and report on processes for consideration by the parliament of schemes of interjurisdictional legislation and that a message be sent to the House of Assembly requesting its concurrence thereto.

(Continued from 15 February 2012.)

The Hon. G.A. KANDELAARS (21:56): I provide the government's response to this motion. The government is supportive of maintaining the sovereignty of the state. South Australia has many special characteristics independent of those of the rest of the nation. This is clear on many levels, however the government has significant concerns about the motion as it stands.

In moving the motion, the honourable member noted that the Minister for Health in another place moved a motion seeking what was considered to be of similar effect. The government considers that the current system leads to excessive amounts of parliamentary time being spent debating constitutional law issues instead of debating the purpose and contents of the bill. Where the Minister for Health's motion expressly sought to have the Legislative Review Committee inquire into forming an agreed process for all parties and Independent members to form a process, this motion does not make it clear that the Legislative Review Committee will deliver an agreed process.

It seems quite possible that, without the requirement to deliver an agreed process, the result will be a selection of processes, none of which will deliver the acceptance of all members. This is important because the affirmation of state sovereignty can lead to results which are not necessarily in the best interests of the state, let alone the nation.

I note that the new Queensland Premier, Campbell Newman, has been making some noises recently about competitive federalism. Where all states are strong in embracing the best standards for all Australians, there is a benefit for all. Where there is a desire by all states to compete and continually undercut each other, there is potentially a race to the bottom.

Finally, there is significant potential that this motion will have little benefit anyway. If the objective is to deliver a process that will allow debate to focus on the merits of the bill rather than on points of constitutional law, that is good; however, there seems to be too great a possibility of members who do not agree with the process continuing debating the points of constitutional law.

The nuanced issue of maintaining state sovereignty at the same time as harmonising national laws where it makes sense to do so requires a more rigorous framework than provided in the motion. There is a balance with interjurisdictional legislation; it is a delicate balance. It is important that any loss of control for the state yields significant benefits in exchange.

Whilst the government is somewhat supportive of the principle and is indeed highly supportive of measures that would lead to parliament's time being used in a more efficient way, it opposes this motion.

The Hon. M. PARNELL (21:59): The Greens will be supporting this motion. In the six years that I have been in this parliament, we have dealt with a large number of bills which have been variously couched as national uniform legislation or other similar words, which go to the balance that the Hon. Gerry Kandelaars just spoke to in terms of getting laws uniform across the country.

When those bills come to us, we are often told that we cannot do anything about them, that no change of any form will be countenanced and that somehow if the Parliament of South Australia were to interfere with an agreement struck by the executive levels of government in the various states and territories, the sky will fall in. I do not see anything objectionable in the wording used for this reference to the Legislative Review Committee. It is fairly simple language.

The committee is to inquire into and report on processes for consideration by the parliament of schemes of interjurisdictional legislation. The Hon. Gerry Kandelaars seemed to think that this was somehow deficient because it might not come up with any single solution. Well, so what? It is a committee inquiry. Whilst I am not a member of that committee, I would look forward to any range of options that it might want to put forward and I do not see that the reasons offered by the Hon. Gerry Kandelaars are in fact any reason not to allow this inquiry to go ahead.

The Greens will be supporting it. We would urge other honourable members to do likewise and we look forward to the committee getting down to work and hopefully coming up with a range of options for us that do strike that balance between national legislation and maintaining the sovereignty of our state and our parliament to legislate for the people of our state.

The Hon. A. BRESSINGTON (22:01): I would have thought that this particular motion and the wording of it would be probably the least offensive of many motions that we have put forward to this council. As the Hon. Mark Parnell has already mentioned, we have had a number of bills put before us that are supposed to be part of a national framework that we are told this parliament has no standing to amend and that have to be passed as is.

I do not agree that we should be required to rubberstamp any legislation that comes through this place. I believe there is a problem with the understanding of what that so-called national harmonisation truly means to the standing of this parliament. I know, on a number of occasions, the bills put forward have concerned me and I have been concerned in relation to the sovereignty of this parliament. I have had it mentioned to me in the corridors by other members that they have those concerns as well.

I am a great believer that, where there is a problem—whether or not it is a problem that is obvious to the government of the day—amongst either the crossbenchers or the opposition, it would be in this parliament's best interest to do what we can to solve that problem as best we can and at least put up some processes that could be debated so that some agreement, some understanding, some level playing field could be reached so that, when those bills do come before the parliament that are said to be part of a national harmonisation process, we all understand fully what that means.

I actually commend the Hon. Stephen Wade for putting up this particular motion because we did have a meeting of the opposition and crossbenchers some time ago to try to get the wording of this motion as government friendly as possible, so that there would be some chance of some sort of negotiation on these points of this nationalising legislation. I commend the Hon. Stephen Wade, as I said. I am disappointed that the government would find some reason—any reason—to oppose this and I certainly do support this motion and the intention behind it.

The Hon. J.A. DARLEY (22:04): I move to amend the motion as follows:

Leave out all words after 'interjurisdictional legislation' and insert and 'any other relevant matters'.

I agree that something needs to be done in relation to the process for consideration of interjurisdictional legislation. If an inquiry is the way to go in order to resolve this issue, then I am willing to support that. I do, however, think that the motion should be amended to ensure that all relevant matters be open to the committee for consideration and I think this amendment to the Hon. Stephen Wade's motion ensures that.

The Hon. S.G. WADE (22:05): I will be supporting the amendment. In summing up, I would like to remind members where this came from and really how extraordinary the government's shift has been. In the past two years, there have been several pieces of legislation that raised issues of interjurisdictional legislation, often called national law. Members will remember the complex processes involved in legislation such as the Health Practitioner Regulation National Law (South Australia) Bill 2010, the Statutes Amendment and Repeal (Australian Consumer Law) Bill 2010, the Occupational Licensing National Law (South Australia) Bill 2011, Controlled Substances (Therapeutic Goods and Other Matters) Amendment Bill 2011 and the energy bills, and the list goes on, and they will keep coming time after time.

Therefore, it was not surprising to see the Minister for Health in the House of Assembly on Wednesday 9 March putting a motion, in government business, seeking a referral to the Legislative Review Committee. Here we have the government opposing a referral to the Legislative Review Committee which they originally proposed. The motion put by the government at that time was long and convoluted. The motion I put forward tonight is not. The fact is that everything in the government's motion moved by the Hon. John Hill could be pursued in the committee. It was not actually a detailed agenda for reform: it just, if you like, presupposed there would be an agreed process for all parties in the South Australian parliament to follow.

To that extent, I differ from the government. I do not believe a conversation needs to start with an outcome, an outcome presupposed. What the government is saying in this is that they support a referral to the Legislative Review Committee if you know before you start what the answer is. What an arrogant attitude. They are now saying that there is lack of clarity in the resolution. I remind this house that on two occasions I gave the government the courtesy of not sending this matter to a vote. That was two occasions when they could have gone back to their party room, even amended the Hill proposal.

But, no: we get the arrogance tonight of the Hon. Gerry Kandelaars coming into this house and telling us what a bad idea an open question to the Legislative Review Committee is, when the government proposed a referral to the Legislative Review Committee on exactly this matter. Let us remember that we are not trying to solve our problem. They are your bills. Your ministers go to these ministerial councils and come back with presupposed—

The Hon. I.K. Hunter interjecting:

The Hon. S.G. WADE: I am sorry, okay, I will take the opportunity to read the legislation again to remind the honourable member that all of this is government legislation. The Health Practitioner Regulation National Law, a government bill. It was your—

The Hon. I.K. Hunter interjecting:

The Hon. S.G. WADE: Okay, great. I am going to remember each of them because the Hon. Ian Hunter wants me to. In the Health Practitioner Regulation National Law, we had very serious concerns about winding back state-based quality control mechanisms. Your government ministers drove us to amendment after amendment and insisted that we could not change national law. It is a government bill. Government ministers agreed in ministerial councils, presupposing the outcome in this parliament, and came back here and insisted that we do it.

It was your government ministers who had problems getting it through this parliament. The very minister who moved the Health Practitioner Regulation National Law (South Australia) Bill 2010, was presumably frustrated by the process to the point that he put a motion on the House of Assembly *Notice Paper* to address the issue. I remind the Hon. Ian Hunter, who so arrogantly dismisses the need to improve parliamentary process, that this is a response by the opposition and crossbench MPs to try to help the government do its job. Two years ago—

Members interjecting:

The Hon. S.G. WADE: Let us remember the sort of issues we are facing here.

The Hon. J.M. Gazzola: You've got the numbers.

The Hon. S.G. WADE: No, I am sorry; if the Hon. Ian Hunter needs reassurance about why this is such a good idea I will take the opportunity to try to persuade him. I remind the Hon. Ian Hunter that he sits in cabinet with the Hon. John Hill, who thought this was so important he put it on the *Notice Paper* in the House of Assembly. He now dismisses that as a trivial concern, that it should not be referred to the Legislative Review Committee. Well, I beg to differ. On two occasions I allowed this government an opportunity to go back to its party room, and the government chose not to take the opportunity to clarify the motion. It could have amended it to provide focus.

Let us remember that the Legislative Review Committee is not some, to use a government analogy, feral select committee set up by the opposition. It is controlled by the honourable member who opposed it; he chairs it. It is controlled by government members, and they can pursue whatever outcome they want. Yet the Hon. Gerry Kandelaars is suggesting that it is somehow reckless to refer a matter, which it was previously suggested by the government be referred, to the Legislative Review Committee, which he chairs and the government controls.

As I said, I think it is offensive that the government insists that before the conversation starts the process needs to be agreed. After all, ours is an open question because there are, as the Hon. Gerry Kandelaars rightly points out, a range of issues to be balanced. There is a need to work constructively with the federal government and with the state governments in developing nationally consistent schemes of legislation. There may well be a range of processes, depending on the nature of legislation involved.

In terms of the government's response, I am very disappointed. Not only has it failed to respect this chamber by coming back with points of clarification, it has actually asked the chair responsible for this committee to put the government's response. The fact of the matter is—

Members interjecting:

The Hon. S.G. WADE: The point being that the government should have expected, considering the level of concern about these matters on both its side of the council and our side, that perhaps this might have had the numbers. Yet it has put up the chair of the committee, who would receive the referral if this place supports the motion, to speak against it.

We are being told that we lack clarity in our motion, but what is very clear from this response is that the government goes into this with a very negative attitude. It wanted to refer it to the Legislative Review Committee. It was the best thing since sliced bread. The opposition takes up the mantle because it failed to progress that motion, and suddenly it becomes some waste of time and effort. I am very disappointed that the Hon. Gerry Kandelaars has delivered the government's response tonight. I hope that if this motion is supported by the council a much more positive approach will happen in the committee.

Members interjecting:

The PRESIDENT: Order!

Amendment carried; motion as amended carried.

At 22:15 the council adjourned until Thursday 19 July 2012 at 11:00.