LEGISLATIVE COUNCIL

Friday 20 July 2012

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

STATUTES AMENDMENT (NATIONAL ENERGY RETAIL LAW IMPLEMENTATION) BILL

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for Tourism, Minister for the Status of Women) (14:20): I move:

That the sitting of the Legislative Council be not suspended during the conference with the House of Assembly on the bill.

Motion carried.

QUESTION TIME

MINISTERIAL STAFF

The Hon. R.I. LUCAS (14:20): I seek leave to make an explanation prior to directing a question to the Minister for Industrial Relations on the subject of Mr Jimmy Watson.

Leave granted.

The Hon. R.I. LUCAS: On 1 March this year I asked a question of the minister in relation to the appointment of prominent union boss Mr Jimmy Watson to a position within his ministerial office. One of the questions was: 'What was the remuneration package?' Mr Wortley said:

I am quite happy to give you the answer. I am not quite sure of the salaries of these people. It is probably up in the $90,000-odd, I imagine...I will bring it back, but these aren't hard to find.

Just over a month later, when Mr Wortley had not brought the answer back, I asked a subsequent question on 3 April about the pay for Mr Watson. The minister then launched an attack, saying:

The wages of Jimmy Watson will be gazetted, as is the case with many others...They will all be gazetted some time this year. It will well and truly be transparent. No-one is going to keep anything a secret. I think that question time should not be wasted on questions that can be found out on the net.

Then, in what one of his own backbench colleagues described to me as a 'humiliating backdown', the next morning on 4 April the minister had to make a personal explanation, where he fessed up that what he had said to the house the previous day had been wrong and that his salary would not be gazetted in the *Government Gazette*, and he corrected the record on the next day. In a subsequent question on the afternoon of 4 April, I again put the question to the minister and he refused to answer. He said that Mr Watson's contract is held with the minister and he also claimed that Mr Watson was a public servant.

Information provided to the opposition from a source with very detailed knowledge of the minister's office has indicated that Mr Watson's salary, or package, is significantly more than the $90,000-odd that the Hon. Mr Wortley inferred, or suggested, on 1 March of this year. We are also aware that prior to taking on this job, Mr Watson was a member of the WorkCover board, earning $35,379 a year; he was a member of the management Audit and Risk Committee of WorkCover, earning $5,307 a year; he was a member of the management workplace injury committee of WorkCover, earning $5,307 a year; and he was also a member of the Workers Rehabilitation and Compensation Advisory Committee, earning $6,900 a year; for a total payment from taxpayers, or WorkCover and other bodies, of $52,893 from the public purse. In addition to that, he was also a senior union officer, receiving whatever his union was paying him within that particular union. My questions to the minister are:

1. Does Mr Watson have a contract held with the minister as claimed by the minister in March and April of this year, and if so, how is Mr Watson a public servant, as claimed by the minister?

2. Did Mr Watson resign from the Workers Rehabilitation and Compensation Advisory Committee, paying $6,900 a year, prior to accepting his job within the minister's office, and if so, on what date did he resign?

3. Will the minister now admit that Mr Watson is receiving significantly more than the $90,000-odd he suggested to this chamber on 1 March of this year?

4. For the third or fourth time now, will the minister indicate what is the total remuneration package being received by Mr Watson in his office?

The Hon. R.P. WORTLEY (Minister for Industrial Relations, Minister for State/Local Government Relations) (14:25): I must say the Hon. Mr Lucas does have quite an unhealthy fascination with Mr Watson. Mr Watson is employed as a term employee pursuant to section 5 of the Public Sector Act 2009 for a period of 12 months. Mr Watson confirmed his resignation from the WorkCover board formally by email on 7 February 2012. With regard to Mr Watson's wage, personally I have never even looked into what he is getting paid. I do not have the same fascination with someone's wages as the Hon. Mr Lucas does. All I know is that the honourable Jimmy Watson is a very good—

Members interjecting:

The Hon. R.P. WORTLEY: He is very honourable. That is right. Mr Jimmy Watson is very honourable and he does a very good job in my office. He has a very good relationship not only with the unions whom he has worked with for many years but also with employers. He has a very good relationship and he is a very valued member of our staff.

MINISTERIAL STAFF

The Hon. R.I. LUCAS (14:26): I have a supplementary question arising from the minister's attempted answer. The minister has indicated the resignation date from the WorkCover position. Has he resigned from the position on the Workers Rehabilitation Compensation and Advisory Committee and, if so, on what particular date?

The Hon. R.P. WORTLEY (Minister for Industrial Relations, Minister for State/Local Government Relations) (14:26): I would imagine that when he resigned from the WorkCover board he would have resigned from all his positions. He is no longer working for United Voice. He is now working in my office under a term contract. I am quite happy to ask him if he is still a member, but I would imagine not.

MINISTERIAL STAFF

The Hon. R.I. LUCAS (14:27): I have a supplementary question arising from the minister's attempted answer. Is the minister standing by his statement made on 4 April that Mr Watson's contract is held with him as the minister?

The Hon. R.P. WORTLEY (Minister for Industrial Relations, Minister for State/Local Government Relations) (14:27): Mr Watson is on a 12-month contract. All contracts, I would imagine, are under the Chief Executive Officer of the Public Service, so Mr Jim Hallion would be the person ultimately responsible for Jimmy.

MINISTERIAL STAFF

The Hon. R.I. LUCAS (14:28): I have a supplementary question arising out of the minister's answer. Is the minister now conceding that his statement to the house on 4 April was untrue and that Mr Watson's contract is not held with him as the minister?

The Hon. R.P. WORTLEY (Minister for Industrial Relations, Minister for State/Local Government Relations) (14:28): Mr Jimmy Watson is contracted to work in my office, and Jim Hallion is the Chief Executive Officer of the Department of the Premier and Cabinet. All people work under him and it is as simple as that.

DISABILITY SERVICES

The Hon. S.G. WADE (14:28): I seek leave to make a brief explanation before asking the Minister for Disabilities a question relating to accommodation for people living with disabilities.

Leave granted.

The Hon. S.G. WADE: This year's budget provides for $61.5 million over three years for 'new high-quality community-based supported accommodation for people with a disability'. The Julia Farr Association Purple Orange recommends that the following principles guide the implementation of this allocation: separation of the roles of landlord and support provider to maximise the choice for individuals; investment in housing stock that reaches beyond group home accommodation and higher density cluster housing, so that people have genuine choice about housing; drawing on the existing specialised design and construction skills within the not-for-profit,

non-government sector; and extending the potency of these funds by partnering with NGOs to extend the number and quality of housing outcomes. My questions to the minister are:

1. Which of these attributes will be reflected in the program?

2. How many dwellings will be built under the program?

3. How many people living with disabilities are expected to be housed under the program?

4. What proportion of the dwellings will be built in rural and regional parts of South Australia?

The Hon. I.K. HUNTER (Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (14:30): I thank the honourable member for his most important question. It gives me an opportunity to once again reflect on the outstanding achievement of this government in terms of disabilities and our recent budget.

This government recognises that funding for disability services is important. It is a priority for us. That is why, since 2002, the state government more than doubled its investment in disability services from $135.4 million to $345.9 million in 2012-13, and that is why, in the 2012-13 budget, we have delivered $212.5 million in new funding over five years. I would like to take the opportunity that the Hon. Mr Wade has given me to detail how this $212.5 million will be used to increase support for people with disabilities and also their carers.

There has been $106.1 million set aside for the provision of essential support for people with critical needs, and this new funding will assist nearly 800 people over the next four years. As the Hon. Mr Wade has noted, $61.5 million over four years will fund the construction of supported accommodation facilities. This new funding equates to, although may not necessarily mean output of, roughly 63 houses for approximately, again, 252 people. That will, of course, depend on how we determine to house the individuals. Some may be in a different style of accommodation to what those calculations are based on, which is an average group-sized home.

There has been $21.6 million set aside over four years for the final stage of the Strathmont Centre closure. It is divided into $13.5 million in capital funding and $8.1 million for services. In 2005, there were 249 residents of Strathmont. Today, there are 26 residents remaining. This funding will ensure that these 26 residents will be able to move into smaller group homes where they will still receive 24-hour support but will have more opportunities to fully participate in their local communities.

There has been $2.3 million allocated for the creation of a Disability Community Visitor Scheme. This is something that has been much desired by the disability sector over the years, and the plan is to expand the highly regarded Mental Health Community Visitor Scheme to include disability supported accommodation facilities. The scheme will be overseen by Mr Maurice Corcoran.

We have also allocated $20 million towards the launch of the National Disability Insurance Scheme. The Weatherill government strongly supports the introduction of the NDIS, as it aligns with the significant reforms currently underway here in South Australia—most notably, the introduction of individualised self-managed funding. We have also provided a further $1 million to support the not-for-profit sector and service providers in planning and preparing for the NDIS. Of course, this new investment is in addition to existing funding in the launch site to make South Australia's overall contribution significantly greater than $21 million.

It is important to note that this $212.5 million is an investment into a reformed system. The reforms include the introduction of individualised and self-managed funding, the creation of a disability justice plan, the drafting of a new disability act and, of course, the significant changes taking place in preparation for the NDIS. These reforms, both at a state and national level, will mean that we are no longer pouring money into the crisis end of the system. Rather, the focus will be on early intervention and providing more effective support where it is needed and, therefore, reducing levels of unmet need into the future.

It is also important to recognise that this $212.5 million is a very significant investment in very challenging financial times. Despite ongoing global economic turbulence, both the federal and state economies remain relatively healthy. The national accounts for the March quarter released last quarter reaffirm Australia's position as one of the strongest economies in the world.

Treasurer Wayne Swan is doing a remarkable job. Under his stewardship, the Australian economy grew faster than every single major advanced economy in the March quarter.

Despite record revenue writedowns, our state Treasurer, Jack Snelling, has delivered the right budget for these times. The 2012-13 budget is fiscally responsible while maintaining the appropriate confidence in South Australia's future economic prosperity and, even at such a time, we have been able to deliver $212.5 million for disabilities into the future.

The Hon. R.L. Brokenshire: Is that a year? Extra a year?

The Hon. I.K. HUNTER: 212 over five years.

The Hon. R.L. Brokenshire interjecting:

The Hon. I.K. HUNTER: Well, not exactly. You might need to read the budget papers, Hon. Mr Brokenshire, to work out how that is planned. The disability agency works very closely with Purple Orange, which is the former Julia Farr organisation. We work very closely with them in the provision and allocation of services, particularly in terms of training for the sector, and that close working relationship will continue into the future.

DISABILITY SERVICES

The Hon. K.L. VINCENT (14:34): I actually have two supplementary questions. My first is: what exactly is the eligibility criterion or the definition of critical need, which I think you mentioned would cover 800 people over four years, if I heard correctly? What is the definition of critical need in that sense?

The Hon. I.K. HUNTER (Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (14:35): I thank the honourable member for her most important question. In terms of eligibility, part of the new system of individualised funding and self-management, as the honourable member would know, of course, is that the qualification will be that the person receives more than six hours a week of personal care. In terms of the eligibility criterion for accommodation, that really comes down to individual needs and is assessed on an individual basis.

DISABILITY SERVICES

The Hon. K.L. VINCENT (14:35): What supports are being given, or have been given already, to residents who have moved out of Strathmont to ensure that their mental health is affected as little as possible by the fact that they are moving out of what is for many of them the only home they have ever known?

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): Throughout the whole process of moving our residents out of Strathmont, we have made sure that we have applied a very sensitive plan based on the person. Person-centred planning is the common phraseology we use. It is about spending some significant time to acclimatise the resident with the fact that they will be moving out. It is about consulting the resident about who they want to live with, whether they want to live closer to family or closer to existing friendships and connections in the community.

When they do move into community accommodation, they are, of course, usually in homes that have 24-hour care, and their needs in particular are matched with the needs of the other residents of the home they are moving into so that they form a very nice fit. I think I have mentioned in this place before that, even with the very best of person-centred planning, sometimes we fail. I think I have also mentioned previously that two people have moved back to Strathmont—two people out of our current displacement of residents—but we will be working with both of those people to make sure that they do move into accommodation that suits their individual needs. That may mean, for instance, that we do not put them in a group-share home. It may mean even looking at a smaller home or, in fact, supporting them in individual accommodation.

DISABILITY SERVICES

The Hon. S.G. WADE (14:37): As a supplementary, in relation to the minister's comments in his original answer, that an estimated 252 people will be housed under the program, I ask: is the government committed to ensuring that the proportion of people housed beyond metropolitan South Australia will be in accord with the proportion of the South Australian population that resides beyond metropolitan Adelaide?

The Hon. I.K. HUNTER (Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (14:38): That would be a very silly basis on which to allocate need to people with disability—

The Hon. S.G. Wade: What, people living where they want to?

The Hon. I.K. HUNTER: It is not about letting them live where they want to; it is about actually allocating accommodation services to people where they are and where they—

The Hon. S.G. Wade: That's the point.

The Hon. I.K. HUNTER: Well, no, it is not the point if you go back to your original question, Mr Wade. It is about actually applying accommodation services to those people on the basis of their needs, their personal needs.

WORKCOVER

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:38): I seek leave to make a brief explanation before asking the minister representing the minister for WorkCover a question about payments made by WorkCover.

Leave granted.

The Hon. D.W. RIDGWAY: I believe Unions SA runs the SA Unions Workers Compensation Advisory Service. This is an advocacy service for injured workers prior to judicial determination. WorkCover funds this service for up to a maximum of somewhere between $2,500 and $2,700 per case. Unions SA has recently had the contract—

The Hon. J.M. Gazzola: SA Unions.

The Hon. D.W. RIDGWAY: —renewed to provide that service. I am told that several individuals who provide the advisory service have purported to be from Unions SA—

The Hon. J.M. Gazzola: SA Unions.

The Hon. D.W. RIDGWAY: —including one Nadia Zivkovic, who, while doing this work, has had in excess of $100,000 paid directly to her over the past three to four years. My advice is she has never worked for Unions SA—

The Hon. J.M. Gazzola: SA Unions.

The Hon. D.W. RIDGWAY: —and there is no record of her salary or any tax paid by her to the ATO by Unions SA on her behalf.

The Hon. J.M. Gazzola: SA Unions.

The Hon. D.W. RIDGWAY: It has been suggested there may be some falsification of invoices so the funds were directly paid to her. Unions SA—

The Hon. J.M. Gazzola: SA Unions.

The Hon. D.W. RIDGWAY: —claims it was unaware of this practice. My questions to the minister are:

1. Can he confirm that Nadia Zivkovic has been paid around $100,000, even though she has never worked for Unions SA?

The Hon. J.M. Gazzola: SA Unions.

The Hon. D.W. RIDGWAY:

2. Who made those payments and who authorised them?

3. What process does WorkCover have to be certain that all payments go to the people intended, that is, representatives of Unions SA?

The Hon. J.M. Gazzola: SA Unions.

The Hon. D.W. RIDGWAY:

4. How widespread has this practice been?

5. Is WorkCover intending to recover any of the funds?

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) (14:40): I will be pleased to refer those questions to the appropriate minister in another place and bring back a response. I find it remarkable that I think probably on close to 10 occasions the Hon. David Ridgway throughout his question pronounced an incorrect title for our unions.

Members interjecting:

The Hon. G.E. GAGO: Probably on 10 occasions, Mr President, at least. Not only that, he was corrected on each occasion by my colleague behind me. On each occasion the Hon. Mr Gazzola corrected him that it is not Unions SA, it is SA Unions. On every single occasion that the Hon. David Ridgway mispronounced the title of our peak South Australian union body, he was corrected, yet he refused to pronounce the name correctly. That is what I find incredibly arrogant and incredibly offensive. All of us in this chamber from time to time mispronounce names but, once the correct pronunciation is pointed out, most members here are respectful enough to take heed of that and incorporate the correct pronunciation in future dialogue.

However, in this case: no. We had an example of the opposition knocking off really important union representation yesterday. We can see how much they despise and loathe unions. We saw examples of that yesterday yet, here today, on almost 10 occasions, we see the opposition leader of the Liberal Party in this place mispronounce the name of our peak South Australian union body, and he refused to stand corrected on any of those occasions. That is how arrogant and disdainful the Liberal opposition is of our union colleagues. That is how much they despise our union comrades.

AUSTRALIAN YEAR OF THE FARMER

The Hon. CARMEL ZOLLO (14:43): I seek leave to make a brief explanation before asking the Minister for Agriculture, Food and Fisheries a question about the Year of the Farmer.

Leave granted.

The Hon. CARMEL ZOLLO: As we all know, this year has been designated the Australian Year of the Farmer and is designed to highlight the huge contribution farming makes to the Australian economy. My question to the minister is: can she advise the chamber about what the state government is doing to mark the Australian Year of the Farmer?

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) (14:44): Indeed, farming has been a very integral part of South Australia's identity from our earliest days. Despite countless seasons passing, some good and some bad, our farmers continue to play a vital role in our community. Not only do our farmers assist in feeding and clothing us but they contribute to food security and also clothing for many millions around the world.

With 2012 being the Australian Year of the Farmer, it is an opportunity for all of us to contemplate the significant contribution that our farmers make to our life and community. This contribution spreads across the whole supply chain, supporting many more jobs in associated fields, such as food processing, transport and the like. In 2011-12, the farming industry contributed just under $14 billion (and this does not include the wine sector) to the South Australian economy, and it employed just over 140,000 people. When wine is included, the contribution to our economy grows to about $15.4 billion.

In recent years, the gap between city and country seems to have grown, with many people losing their connection with and understanding about our farmers and an understanding about the grassroot products they produce, particularly our primary produce. It is unfortunate that many Australians, particularly the younger ones, believe that food is grown in packages on supermarket shelves rather than it coming from farms. I think this disconnect is a real challenge for all of us who are engaged in the agriculture community. This year provides an opportunity to raise awareness about how and where our food and fibre are produced and who produces them.

In 2012, the Australian Year of the Farmer is a great time and a great opportunity for Australians to reconnect with their farming communities. As part of this, we are bringing together the city and the country, with a series of exhibitions in Rundle Mall highlighting our premium food and wine from our clean environment. I was delighted to launch the first of these exhibits today. It is very appropriate that here in South Australia the first exhibit chosen to kick off the series was grains; after all, it is the state's largest agricultural export commodity and it is worth as much as $4.6 billion a year to our economy.

We will have other displays in the mall over the next few weeks—we will have five exhibits over five weeks—in the lead-up to the Royal Adelaide Show, South Australia's large annual event where the city has an opportunity to meet the country. Future displays will focus on aquaculture and fisheries; horticulture, wine and citrus; livestock and wool; and land management. Through these exhibits, we hope that people can find out more about where their food comes from and how farmers are using really smart and quite fascinating technology to enable them to improve the productivity and sustainability of agriculture.

The Department of Primary Industries and Regional Development has also developed a series of eight information pamphlets or material outlining the contribution of agriculture to the South Australian economy, and these will also be an ongoing resource covering issues such as horticulture, forestry, grains, wine, livestock, fisheries, aquaculture and biosecurity, etc. As well, six young people involved in farming or farm-related activities will be given an opportunity to attend the Australian Year of the Farmer farming expo during 2012-13, and that will be a great opportunity for them. The recipients will be chosen in conjunction with a male and female rural ambassador and youth ambassador who are farmers or contribute to farming, and the winners of the Rural Youth and Peter Olsen awards.

A travelling expo will feature at this year's Royal Adelaide Show. I urge people to take the opportunity to visit and reconnect with that very important part of South Australian life. My agency (PIRSA) has also entered into the spirit of things by publicising through its communications sponsorship to the 2013 Rural Women's Gathering to be held in August this year in Penola. The gathering was set up to help women upskill with a range of workshops and inspirational and interesting speakers such as Ita Buttrose.

We have much to celebrate in agriculture in South Australia and I am very pleased that we can use this year to help celebrate and place some focus and attention on our farmers and the enormous contribution they make to our lives. I encourage members to pop down to the mall and enjoy the exhibits over the next number of weeks.

The PRESIDENT: The Hon. Ms Bressington has a supplementary question.

CROWN LAND GRAZING LEASES

The Hon. A. BRESSINGTON (14:50): Is the minister aware of some of the hardships facing our farmers with the change to the Crown Land Management Act, where councils now are not renewing leases to crown land so that farmers can no longer graze their cattle on that land after many years of being able to do so, or not even being able to move their cattle across that land from one paddock to another?

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for Tourism, Minister for the Status of Women) (14:51): I don't think that has any relationship at all to this.

The PRESIDENT: Not much, no.

The Hon. A. Bressington: It's farming and hardship.

The PRESIDENT: The Hon. Mr Darley, did you have a supplementary?

NATURAL RESOURCES MANAGEMENT

The Hon. J.A. DARLEY (14:51): Is the government—

Members interjecting:

The PRESIDENT: Order!

Members interjecting:

The PRESIDENT: Order! The Hon. Mr Darley.

The Hon. G.E. Gago interjecting:

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

The Hon. J.A. DARLEY: Is the minister considering a reduction of red tape imposed by natural resources management boards across the state and, in particular, the Mount Lofty Ranges?

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for Tourism, Minister for the Status of Women) (14:51): Sorry, I didn't hear a word of that.

The Hon. A. Bressington interjecting:

The PRESIDENT: I think the Hon. Mr Darley asked—

Members interjecting:

The PRESIDENT: Does the Hon. Mr Darley want to repeat that?

The Hon. J.A. DARLEY: Is the government considering a reduction of red tape imposed by natural resources management boards across the state on farmers, in particular the Mount Lofty Ranges?

The Hon. G.E. GAGO: I thank the honourable member for his most important question. This government is very committed to reducing red tape right across government. I have had discussions with my officers in PIRSA around ensuring that we can look at all the mechanisms possible for us around our regulation and enforcement to reduce red tape wherever we possibly can. I know that we are having a good look at that.

We recently had a look at the different licences across aquaculture and looked at land finfish. For instance, one of the things that we have done in the past is to have quite a complex licensing system for holdings that might not have any fish stock but have, in the past, put tanks or other infrastructure in place, and they have been required to pay exorbitant fees in an ongoing way to maintain the licence. I have asked the department to review that and to set up new and, I think, fairer and simpler fee structures and licence arrangements for those fishers.

We are already looking at a range of different strategies. As I said, all of government is committed to attempting to reduce red tape wherever it can and a lot has been done to progress that. We are always looking for new ideas and, of course, it is often those people out there on the ground who understand the nuances of how the system works and how interconnections between different departments are made and who have the potential to see where new opportunities for reducing red tape lie. We always welcome input from those people on the ground who, through their firsthand experience, can offer us further suggestions for future development.

MEDICAL HEATING AND COOLING CONCESSION

The Hon. K.L. VINCENT (14:54): I seek leave to make a brief explanation before asking the Minister for Disabilities questions about the medical heating and cooling allowance.

Leave granted.

The Hon. K.L. VINCENT: Late last year the medical heating and cooling allowance was announced with much fanfare. It came after a long and concerted campaign by an alliance of several disability organisations representing people whose disability-related symptoms are exacerbated by exposure to extremes of heat or cold.

The scheme that we now have is, in many respects, very different from what the many groups and individuals who campaigned for it were expecting. While the campaign was conducted in very general terms, the scheme the government has delivered is extremely specific, dealing only with a list of 10 medical conditions considered to result in a 'verified need for close control of environmental temperature'.

I, like many of my parliamentary colleagues, have received a number of complaints and questions about the medical heating and cooling allowance from individuals who are confused about why their applications have been rejected. There are many reasons for this confusion. The minister has already, in answers to questions from other members, both here and in estimates, highlighted the fact that there was widespread confusion amongst doctors regarding the eligibility criteria for the scheme.

It also perhaps appears to be the case that many of those who campaigned for the introduction of the allowance have not had their conditions covered by the resulting scheme. Some of the confusion may stem from this gap between the government's scheme and the expectations of those who lobbied for it. One factor I feel cannot be ignored is the actual application form for the scheme, which appears to contain incorrect or inaccurate information about the eligibility criteria.

I have had a look at the application form and I have had a look at *Hansard* and I can certainly see why people are confused. To me it looks like the department is confused, because the application form directly contradicts statements the minister has made in parliament about this allowance. When giving the list of conditions covered by the scheme, the materials accompanying the application form indicate that the list 'includes but is not limited to' 10 medical conditions covered by the allowance and go on to explain the process whereby other conditions will be considered.

The minister told this council and estimates that this same list of 10 medical conditions was exclusive, and that there was no capacity for flexibility in the scheme. In addition to this, the application form itself has a checklist of the 10 medical conditions covered by the scheme, as well as a checkbox for 'other qualifying condition', despite the minister having indicated on numerous occasions that there are no other qualifying conditions. My questions are:

1. Does the minister have any plans to expand the list of medical conditions that are eligible for the medical heating and cooling allowance?

2. How many applications for the medical heating and cooling allowance have been rejected because doctors or people with disabilities have ticked the box for the non-existent 'other qualifying condition'?

3. Does the minister accept that much of the confusion regarding the medical heating and cooling allowance has been caused by the glaring inaccuracies contained in the application form and the materials distributed about the scheme by the department?

4. Will the minister undertake to correct the information about the allowance that his department is distributing to doctors and to people with disabilities?

5. Did the minister's department consult about successful schemes interstate before implementing the program here, particularly on the design of criteria and the design of the application form itself?

The Hon. I.K. HUNTER (Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (14:58): I thank the honourable member for her most important questions. I launched the medical heating and cooling concession scheme on 20 December 2011. As announced in the 2011-12 state budget, cabinet approved $1.8 million over four years to provide assistance to people on low incomes who incur high energy costs because of their medical need to use an air conditioner on a frequent and/or prolonged basis.

As the honourable member noted, this is not to assist people whose current medical condition might be exacerbated by the temperature going up and down. It is about those patients or those clients who have a verified medical need for close control of their body temperature. I can understand that people feel a level of discomfort and, indeed, pain sometimes because of fluctuating temperatures, but if they do not have a medical condition verified by the medical specialist that they need to closely control their body temperature because of their personal situation then they do not qualify for this very targeted benefit.

This concession was modelled on similar concessions interstate. I understand that we looked most closely at Queensland's model to inform our system, but also the models in Victoria and Western Australia are in my memory. Again, this is a very tightly targeted concessional amount of money for people who have that very close need to control their body temperature.

The PRESIDENT: The Hon. Ms Vincent has a supplementary question.

MEDICAL HEATING AND COOLING CONCESSION

The Hon. K.L. VINCENT (15:00): Which is why I asked the question: does the department intend to expand this scheme at any point?

The Hon. I.K. HUNTER (Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (15:00): No, sir.

SAFEWORK SA INSPECTORS

The Hon. G.A. KANDELAARS (15:00): My question is to the Minister for Industrial Relations. Can the minister advise the chamber of the number of SafeWork SA inspectors providing field and front-line services to South Australian workplaces?

The Hon. R.P. WORTLEY (Minister for Industrial Relations, Minister for State/Local Government Relations) (15:00): I thank the honourable member for his important question. I would also like to acknowledge the many years that the Hon. Mr Kandelaars represented workers in occ health and safety within the state of South Australia.

The government considers achieving safe and fair workplaces to be one of our most critical priorities. To this end, SafeWork SA is the agency responsible for administering the full complement of occ health, safety and welfare education, prevention and enforcement services in South Australia. SafeWork SA works closely with employers, employees, unions and industry representatives to achieve safe, fair and productive working lives.

I am proud to say that overall the number of occ health and safety inspectors in South Australia has significantly increased under this Labor government and clearly demonstrates the government's determination to ensure continual improvements in work health and safety. I am advised the government currently funds 89 occupational health and safety inspectors and five industrial relations inspectors, totalling 94 budgeted full-time equivalent inspectors at SafeWork SA.

The Hon. J.M. Gazzola: I was distracted; can you repeat that?

The Hon. R.P. WORTLEY: There are 89 occ health and safety inspectors and five industrial relations inspectors, totalling 94 budgeted full-time equivalents. I can confirm that the number of occ health and safety inspectors has not reduced in recent years. The number of industrial relations inspectors funded by the state government reduced when state industrial relations powers were transferred to the commonwealth, a necessary adjustment given that private sector industrial relations no longer come within SafeWork SA's purview.

However, 28 additional SafeWork SA industrial relations inspectors are funded by the Fair Work Ombudsman to deliver industrial relations compliance services to the private sector. For clarity, the number of active duty inspectors can, of course, fluctuate below these figures from time to time due to factors such as leave provisions, staffing matters and recruitment processes. On this point, it can be noted that SafeWork SA is currently undertaking a recruitment process to recruit more occ health and safety inspectors into the agency to address eight vacancies that exist.

Regardless of staffing and budgetary processes, SafeWork SA's focus has always been and will always remain on maintaining front-line services in the field to ensure the continuation of the level of service required by industry in South Australia and a continued fulfilment of statutory responsibilities. The most obvious reference point for SafeWork SA's performance is against the backdrop of the national occ health and safety target of a 40 per cent reduction in workplace accidents and injuries over the period 2002 to 2012.

To meet the national target, jurisdictions will need to have recorded a 32 per cent improvement from the baseline period to 30 June 2010. Data (provided by WorkCover SA) and analysis indicates that as at December 2010 the incidence of work-related injuries and illness for all workplaces in South Australia fell by 36 per cent, exceeding this requirement. In other words, South Australia is well on track to achieve targeted injury reductions. The SafeWork Australia Comparative Performance Monitoring Report (13th edition) also shows that out of all states and territories only South Australia exceeded the required rate of improvement to meet that national standard. Now, that is good news, wouldn't you agree?

Members interjecting:

The Hon. R.P. WORTLEY: Fantastic news. The data shows that South Australia has also consistently delivered workplace interventions on an equivalent basis with interstate jurisdictions. On many occasions South Australia has also achieved higher worksite intervention delivery than other states. This means that South Australia not only achieves the national commitments agreed to between states and territories, but that we punch above our weight on many occasions. The rate of workplace accidents and injuries has fallen in every year since SafeWork SA has had carriage of responsibility for the administration of occ health and safety legislation.

These reductions have been more marked than any previous measure, and the rate of improvement in this state has not been matched by any other state or territory. South Australia's outstanding performance in reducing accidents and injuries is underpinned by a strategic framework encompassing a suite of integrated programs and activities. Overall this government is firmly committed to ensuring that South Australian workers come home safely to their loved ones at the end of the day.

SAFEWORK SA

The Hon. J.A. DARLEY (15:05): I have six questions to the Minister for Industrial Relations with regard to SafeWork SA.

The PRESIDENT: You'll need six days.

The Hon. R.P. Wortley: I just answered that, surely?

The Hon. J.A. DARLEY: Yes, but the other six are the ones I want to hear the answers to.

The PRESIDENT: Are you seeking to make an explanation?

The Hon. J.A. DARLEY: No. My questions to the minister are:

1. Apart from the 94 FTEs the minister has just mentioned about the inspectorial staff of SafeWork SA, what is the total complement of other staff within SafeWork SA, and in particular the policy division?

2. I understand that SafeWork SA plans to reduce its motor vehicle fleet by about 30 per cent as part of a budget reduction measure. Can the minister provide details of this and how SafeWork SA identified that it could still effectively manage its workload with this reduction?

3. Will the minister also provide details about whether vehicles used by SafeWork SA inspectors have been included in this cut and how the inspectors' investigation branch or response team will be impacted by these cuts?

4. Will vehicles provided to SafeWork SA executive level staff be available for use by inspectorial staff?

5. Can the minister advise whether there are any other budgetary savings likely to impact the number of inspectorial staff?

6. Does the minister anticipate an increase in numbers of inspectors should the Work Health and Safety Bill pass and, if so, has this been factored into the 2012-13 budget for SafeWork SA?

The Hon. R.P. WORTLEY (Minister for Industrial Relations, Minister for State/Local Government Relations) (15:06): I would like to thank the member for his very important six questions. These issues naturally are dealt with through SafeWork SA. These questions will be given to SafeWork SA. Before that we will talk to you, anyway, in regard to other issues. I will have the answers for all those questions in the near future, and I will also put them on notice and get answers back for the parliament.

SNAIL PLAGUES

The Hon. J.S.L. DAWKINS (15:07): I seek leave to make a brief explanation before asking the Minister for Agriculture, Food and Fisheries questions about snail plagues in South Australia.

Leave granted.

The Hon. J.S.L. DAWKINS: On 1 June this year Professor Gavin Ash from Charles Sturt University commented to ABC rural radio that, as temperatures start to drop and more moisture hits the ground, the snail population in rural and regional South Australia starts to grow. He said:

> There's been some work that's shown that there is a very high correlation with how much rainfall that we get in the break months to the number of snails that we're likely to see in spring, so it's looking like it'll be a big year for snails...

This is concerning to a number of farmers who are already combating the damage inflicted on their crops by rising numbers of snails. Warooka farmer Graham Hayes advised ABC News on 7 May this year that some farmers in the southern Yorke Peninsula region have given up fighting the damage caused by snails and put their properties up for sale. He stated:

> There are thousands of acres of property down here that is for sale currently and has been for two or three years. I have been around long enough to know that the land that's for sale, a significant reason is because of the snails. They (farmers) can't produce enough off that land without a huge cost and so it's all too hard.

It is also alarming to see that this issue is affecting other states, including Western Australia, New South Wales and Victoria. Dr Geoff Baker from the CSIRO also commented to ABC News on

7 May that this widespread issue is causing havoc for farmers as snails are getting caught in harvesting equipment, ruining machinery and contaminating harvests.

Earlier this year, in the company of the member for Flinders, Mr Treloar, I visited some of the most westerly farming properties in South Australia, in the Coorabie/Nundroo region, to see the efforts that people there were making to cable their stubbles to smash the snails up as the only effective way of combating them. In the past many farmers would have burnt their stubbles, which is a more effective way of getting rid of snails, but these days responsible farmers avoid burning stubbles for obvious reasons. It is not the best farming practice; however, in some cases it is the only way to rid their stubbles of these terrible pests.

There is some other relief on the horizon. Trials funded by the Grains Research and Development Corporation have had some success with a snail-eating nematode. This nematode is a parasite native to Australia and, when put amongst the snails, can eat the molluscs from the inside out. Although initial trials did not produce a high enough kill rate to be widely deployed, Yorke Peninsula agronomist consultant Bill Long said that more recent results were promising. My questions to the minister are:

1. What government funding is available to help farmers combat snail plagues in South Australia?

2. What research has SARDI undertaken and what, if any, actions has PIRSA engaged in to help in the fight against snail plagues in this state?

3. Will the minister and her department consider supporting the GRDC-funded snail-eating nematode program through investment, to assist farmers who have been affected by snail plagues?

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) (15:11): I thank the honourable member for his important questions. Indeed, our primary industries sector certainly has to face many challenges. It is not so long ago that we were faced with one of the severest droughts on record, and following that there were some areas throughout South Australia and around Australia that suffered significant flooding. I think we then had a locust plague, then a mouse plague, and now we have problems with snails in some areas.

It is a very challenging sector that is at risk from many environmental challenges, not just the weather, although these outbreaks are often weather or condition related. They are opportunistic and flourish during particular climate or weather patterns. So there are many challenges, and the current issue around snails, particularly on Yorke Peninsula, is one I am well aware of. I am advised that there are four species of introduced snails that are common and widespread throughout our agricultural areas and that are considered pests of grain crops in South Australia: two species of white snails and two species of conical, or pointed, snails.

Grain contamination by snails can pose a very serious threat to grain exports. Snails obviously also cause damage to emerging crops and, as the Hon. John Dawkins outlined, can clog up machinery at harvest time, creating significant delays and significant cost imposts as well as loss of profits. Obviously, controlling snail populations is vital if grain contamination and crop damage are to be prevented, and this means monitoring and managing snails regularly throughout the year.

Over the past 20 years there has been an investment of more than $1 million by the Grains Research and Development Corporation (GRDC) and the South Australian Grains Industry Trust into snail research and extension. This work has been undertaken by SARDI and other research and extension providers, so SARDI has very much been involved in some of these activities.

Research has shown that successful snail control requires knowledge of snail behaviour and the type, the size, the number of snails present, and obviously the application of physical and chemical control techniques. There are publications that provide information on snail management that are available for South Australian farmers. I was interested to see the GRDC publication 'Bash 'em, burn 'em, bait 'em' written by SARDI officers and, unfortunately, that is how crude some of the most successful management techniques are at the moment. They are pretty basic.

The declared exotic plant pest green snail that was detected in Victoria for the first time was in the irrigation area near Cobram last year. It is not known to be present in South Australia, so we can be thankful that it is not considered to be a pest here. We continue the work. I am not too sure in terms of the particular activity around the nematode work. I am not exactly sure which parts

of the program activity SARDI are directly involved in and which they are not, so I am not too sure if currently we contribute to some of that nematode research. I am certainly happy to look into that and bring back a response. Obviously we are keen to make sure that work in this area continues and hopefully one day we will find a very efficient and effective way of managing this particular pest.

COMMON GROUND

The Hon. J.M. GAZZOLA (15:16): My question is to the Minister for Social Housing. Minister, will you advise the council on the recent initiative to provide a free dental clinic to residents of the Common Ground homelessness service?

The Hon. I.K. HUNTER (Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (15:17): I thank the honourable member for his most important question. I am pleased to advise the chamber that Common Ground, which provides accommodation for homeless people in the CBD, at both Franklin Street and Light Square, has recently partnered with the University of Adelaide to provide an outreach service aimed at improving the oral health of its residents.

The journey for the delivery of this service began back in 2007 when dental and oral health students from the University of Adelaide visited several of the homeless shelters during Dental Health Awareness Week. Students were supervised by senior staff, and their services and treatments were provided free of charge to participants. The visits were again provided in 2008, with students and staff using the opportunity to gather and document information on dental hygiene amongst the homeless. The evidence also showed that the most socially and financially marginalised group was not only a contributor to poor dental outcomes but also a major contributor to overall poorer health issues, with chronic heart disease, diabetes and emotional wellbeing among the most prevalent problems that these people presented with.

I am advised that in 2009 Adelaide University obtained an Australian Dental Research Foundation grant which allowed them to continue the service and collect meaningful data about the dental health of the homeless population in the Adelaide CBD. Having successfully secured a commonwealth grant, in collaboration with the School of Medicine and the School of Population Health and Clinical Practice at the University of Adelaide, a clinic was planned and built that is now providing much needed services and supporting the health needs of disadvantaged groups in our community. Along with the commonwealth grant we have independently achieved both financial support and supply of materials from several dental companies.

The significant challenge now is how to maintain this largely pro bono service provided by the Adelaide dental school through the University of Adelaide. With a $250,000 grant from the commonwealth government, work began to fit out a dental clinic within the walls of the Common Ground building in Light Square. Since then, an average of 16 people per week are booked into the state-of-the-art facilities that have been provided.

I am advised that other day centres which assist homeless people have also become part of the program for the dental students. They visit groups such as Byron Place, Hutt Street Centre and Westcare. Whilst the resources are limited, the bulk of them are directed towards the original plan which is to assist homeless people in the CBD to maintain a better standard of health care. I have to say that, given some of the difficulties in engaging with people in the CBD who are homeless, I really do commend the work this service from the University of Adelaide and the Adelaide dental school provides to these people. I know that it is an incredibly onerous job to engage some of these clients, but they are incredibly grateful when those services are provided to them and, unlike many of us, they go back for the treatment from dentists.

The Hon. G.E. Gago interjecting:

The Hon. I.K. HUNTER: I know that many honourable members avoid going to the dentist when they probably should be going to the dentist. Encouraging our homeless population to take advantage of this service is difficult, but, as I said, I know that they are incredibly grateful when the services are provided, and, oddly enough, they do go back to get the services they need for their dental hygiene. The issue of homelessness is a very complex one, one that is—

The Hon. S.G. Wade interjecting:

The Hon. I.K. HUNTER: Well, if you are not interested in the issues of homelessness, the Hon. Mr Wade—

Members interjecting:

The Hon. I.K. HUNTER: They are not interested in issues that affect people who are suffering from homelessness. That is the difference between us and them: they don't give a damn about people suffering from homelessness. They don't give a damn about the most vulnerable in our society. The Labor government does and always will.

Members interjecting:

The PRESIDENT: Honourable members are showing desperate signs of needing a break.

STATUTES AMENDMENT (COURTS EFFICIENCY REFORMS) BILL

In committee.

(Continued from 17 July 2012.)

Clause 10 passed.

Clause 11.

The Hon. S.G. WADE: Perhaps we should consult across the chamber. I understand that this is the clause where the government has an alternative amendment, which the opposition prefers. If that is the understanding of the government, I would suggest the government move its amendment.

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

Page 5, after line 8 [clause 11(1)]—After subsection (1a) insert:

(1b) However, subsection (1a) does not apply if the Court determines, on its own initiative or on application by the appellant, that the appellant should be physically present in the courtroom.

This amendment is proposed as a compromise to [Wade-3] 3, as filed by the Hon. Mr Wade. The Hon. Mr Wade has filed an amendment to the proposed new section 361(1a) of the Criminal Law Consolidation Act 1935 to insert that the appellant would have 28 days from being notified of the date of proceedings to object to the use of an audiovisual link. While the bill amendment to section 361(1a) as drafted will not restrict the ability for the court to allow or direct that the appellant be brought to the court in circumstances where the court considers that it is warranted, the government appreciates the opposition's intention with [Wade-3] 3, and has taken steps to address the concern.

The opposition's amendment would create difficulty for the court as there will not always be a period of 28 days between an appellant being notified of the date of proceedings to the hearing of the appeal itself. If a vacancy in the listings is available, the time period may be shorter. The government does not wish to interfere with the flexibility of the courts listing process for appeals or provide a different process for the applications for appearance at appeals that applies to other audiovisual link appearances.

The government has consulted with the Registrar of the Supreme Court. He would prefer that any legislation for audiovisual link appearance in appeals allows for the same procedure as is used for other audiovisual link appearances. Currently, a prisoner who wishes to object to the use of an audiovisual link has to file a notice of objection at least three days before the hearing, and this is provided for in the Supreme Court Criminal Appeal Rules 1996 and the Supreme Court Criminal Rules 1992, where a judge decides the objection.

The government therefore proposes to insert a new section 361(1b) into the Criminal Law Consolidation Act 1935 to expressly provide that the court may determine, on its own initiative or on application of the appellant, that the appellant should be physically present in the courtroom. The Supreme Court rules may provide for the processes and time frames for the appellant's objecting to appearances via audiovisual link for the hearing of an appeal and can be made consistent with the existing processes in place for similar applications. In such cases, the appeal can be listed when a custody courtroom is available, and that would be a matter for the court.

The Hon. S.G. WADE: I thank the Attorney-General, through the minister, for working through the issues involved. We appreciate the compromise that has been put forward by the government and are happy to rely on the courts to respect the rights of individuals to be physically present in courtrooms in proceedings relating to them.

Amendment carried.

The Hon. S.G. WADE: I have no further amendments to clause 11.

Clause as amended passed.

Clauses 12 to 15 passed.

Clause 16.

The Hon. R.L. BROKENSHIRE: In putting the question to the minister, I would like to place on the record my appreciation of one of the parliamentary counsel officers who drafted this legislation and, indeed, the ICAC legislation, a very difficult legislation, and that is Christine Swift. She has done a lot for me over many years and I commend her for her excellent work as parliamentary counsel for a very long period of time. Having said that, I have full confidence in the drafting but I have a question for the minister. Can the minister assure the committee that this will make a difference to community service orders from the point of view of people actually carrying them out or copping the penalty for not carrying them out, because most of the community are very frustrated at the amount of community service orders in this state that are not carried out?

Clause passed.

Clause 17.

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

Page 7, lines 14 to 16 [clause 17(2)]—Delete all words after 'section 14' and substitute:

—

(a) do not apply in relation to the sentencing of a person by the Magistrates Court following the commencement of this Part if the proceedings for the relevant offence were commenced before that commencement (and such sentencing is to occur as if this Act had not been enacted); and

(b) apply in relation to the sentencing of a person by the Magistrates Court following the commencement of this Part (including the sentencing of a person for an offence that occurred before that commencement) if the proceedings for the relevant offence were commenced on or after that commencement.

My understanding is that this is consequential to the earlier amendments relating to removing retrospectivity.

The Hon. G.E. GAGO: This amendment is similar in principle to amendment [Wade-3] 1 and is opposed. The government considers the bill amendment to be procedural in nature and a long-established exception to the presumption against retrospective operation. Provisions affecting the scope of the jurisdiction of a court have previously been found by courts to be procedural, as stated by the High Court in Rodway. A person who commits a crime does not have the right to be tried in any particular way, merely a right to be tried according to the practice and procedure prevailing at the time of the trial.

The amendment bill to section 19 does not affect any existing rights of a defendant. A defendant already before the Magistrates Court where the offence charged carries a maximum penalty above two years could not have been in expectation of only receiving up to a maximum of two years' imprisonment. Currently, if the court determines that a person found guilty of an offence should be sentenced to a term of imprisonment that exceeds the limit in section 19(3), the court may remand the person to the District Court for sentence. In the District Court a much higher penalty may be imposed, up to a maximum penalty set for the offence.

The Supreme Court has made it clear that the maximum set by section 19 imposes a limitation on the court's power to imprison and not a limitation on the appropriate penalty for the offence. In all cases the court is bound to impose a penalty which, having regard to the maximum penalty set by parliament by the factors specified in section 10 of the sentencing act and other relevant sentencing provisional guidelines, is appropriate to the offence in question.

The government reiterates its concern that the opposition's amendments to the transitional provisions requiring the court to apply different procedures pre and post amendment to criminal matters before the court are likely to cause significant disruption and confusion in proceedings before the Magistrates Court and lead to delays in the finalisation of matters.

The Hon. S.G. WADE: I am surprised to see the government not treating this as a consequential matter. On a couple of points the minister just raised in her most recent comments, she quoted a court in relation to the principle of retrospectivity applying differently in relational

procedural matters. That is an issue that was canvassed in this council when we considered [Wade-3] 1, on the basis of which I assert that this is consequential.

The council was persuaded at that time that, whilst procedural matters are more likely to be retrospective provisions that the parliament is likely to tolerate, we had before us, and I quoted from, very strong advice, particularly from Mr Kerin of the Australian Lawyers Alliance—and I think the Hon. Mr Parnell might have quoted from another lawyer. Both Mr Kerin and Mr Parnell's constituent asserted that it was wrong to characterise these particular provisions as procedural. I would urge the council to maintain its position and that in relation to this legislation at least the parliament considers good law is not retrospective law.

The Hon. M. PARNELL: The Greens will be supporting this amendment. I think the Hon. Stephen Wade is correct. It is consequential to the amendment that the Legislative Council has already passed. We believe that this redresses the retrospective issue and as a result we will be supporting it.

The Hon. J.A. DARLEY: I will be supporting the Hon. Stephen Wade's amendment.

The Hon. D.G.E. HOOD: I think clearly this amendment is consequential. We did not support it last time and we will not this time, but I think the numbers will prevail.

The Hon. K.L. VINCENT: Support.

The Hon. A. BRESSINGTON: Support.

Amendment carried; clause as amended passed.

Clauses 18 and 19 passed.

New clauses 19A and 19B.

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

New Part, page 7, after line 28—After Part 6 insert:

Part 6A—Amendment of *Magistrates Act 1983*

19A—Amendment of section 6—Appointment to administrative offices in magistracy

(1) Section 6—after subsection (2) insert:

(2a) A person is not eligible for appointment as the Chief Magistrate unless he or she is a legal practitioner of at least 7 years standing.

(2b) For the purpose of determining whether a legal practitioner has the standing necessary for appointment as the Chief Magistrate, periods of legal practice and (where relevant) judicial service within and outside the State will be taken into account.

(2) Section 6(3)—delete 'the Chief Magistrate or'

(3) Section 6(4)—delete 'shall' and substitute:

(other than an appointment as the Chief Magistrate) will

19B—Insertion of section 6A

After section 6 insert:

6A—Chief Magistrate to be magistrate and District Court Judge

(1) The Chief Magistrate will be taken to have been appointed as a magistrate and as a Judge of the District Court of South Australia (if he or she is not already a magistrate or a Judge of the District Court of South Australia).

(2) Section 6 of the *Judicial Administration (Auxiliary Appointments and Powers) Act 1988* applies to the Chief Magistrate and, for that purpose, the office of Judge of the District Court of South Australia will be taken to be the primary judicial office of the Chief Magistrate and service as Chief Magistrate will be regarded as if it were service as a Judge of the District Court of South Australia.

(3) However, the Chief Magistrate may resign from the office of Judge of the District Court of South Australia and from the office of the Chief Magistrate without simultaneously resigning from office as a magistrate and such a resignation will not give rise to any right to pension, retirement leave or other similar benefit.

(4) The Governor may, by regulation, make provisions relating to existing entitlements, and recognition of prior service, of the person holding the office of the Chief Magistrate on the commencement of this section or a person appointed to the office after that commencement, including by making modifications to the application of an Act that deals with superannuation or pensions.

Long title—After 'the *Domestic Partners Property Act 1996*, ' insert:

the *Magistrates Act 1983*,

This amendment will insert a new section 6A into the Magistrates Act 1983. The effect of proposed new section 6A is to provide that the Chief Magistrate is, upon appointment to the office of the Chief Magistrate, also appointed as a District Court judge. The current Chief Magistrate would become a District Court judge on commencement of the proposed new section 6A.

It is also proposed to amend section 6 to lift the period of legal practice necessary for the qualification as Chief Magistrate to at least seven years, in line with the requirement for appointment as a District Court judge. The government is of the view that the responsibilities and workload of the position of the Chief Magistrate are such that the holder should be entitled to the status and conditions of a District Court judge.

The Hon. S.G. WADE: I have a series of questions on this clause but, by way of preface, I put on the record the request that the opposition has made to the government and to crossbench colleagues. The opposition will be seeking a commitment from the government that, at the end of the committee stage, progress will be reported. We will also be seeking a commitment from the government that an opportunity will be given to members of the council to raise any issues in relation to this clause when the matter is next considered on the next sitting day.

The context of that is the lateness of the amendments. The Attorney-General wrote a letter to me dated 9 July, received on 10 July. The day of 9 July was actually the last joint party room sitting meeting of the Liberal opposition. I appreciate that other crossbench MPs have different processes according to their nature, but the Liberal Party does rely heavily on its collective wisdom. Perhaps we do not have the capacities of some of our crossbench colleagues to cover the field, but I am very humble. I always look forward to the wisdom that is conveyed in joint party room meetings. I should stress that we were given notice of those amendments after our last joint party room meeting, but they were not tabled until 16 July and here we are debating them on 20 July.

I stress that we do not have any immediate concerns. The government makes a civilised argument, but we think that it is our duty as legislators to take what opportunities we can to consult both within our party and also with the wider community. It has not been possible to do what we would normally do in terms of consultation on important matters such as this—matters which, I stress, are important because they relate to the judiciary. Considering the separation of powers, we need to be particularly respectful when we are affecting the rights and entitlements of members of the judiciary and the structure of courts.

We appreciate the government is eager to continue with its legislative program, but considering that the House of Assembly adjourned on Wednesday until 4 September and considering that completion of the committee stage with merely the possibility of recommittal will not unduly delay the progress of this bill, I must say I thought it was bizarre for the Attorney-General on this morning's radio to indicate that the non-government elements in the parliament were delaying the progress of this bill. It has not been a priority for the government. They are responsible for its progress through this parliament, not us.

In fact, let us be clear: we have actually urged the government to not postpone its further consideration until later in the year. This is not a move to delay consideration. We are very happy to consider the issues and, if you like, to let it stand in the bill and confirm that enactment when we return. We appreciate we have work to do this afternoon; let us get on with it. I will start asking my questions. I ask the government: who was consulted about this particular amendment?

The Hon. G.E. GAGO: Firstly, I just want to put on the record that the government has given a commitment not to proceed to the third reading stage of this bill today. We have already given that commitment. In relation to the consultation, I have been advised that discussions occurred between the Attorney-General and the Chief Justice and Chief Judge.

The Hon. S.G. WADE: I do not thank the minister for her commitment because that is not the commitment I was seeking. The government postponing the third reading stage to the next day of sitting would not give the committee an opportunity to recommit a clause. So, before I further

progress to questions, I seek a commitment from the government to report progress at the conclusion of the committee stage and not finalise the committee stage of this bill today.

The Hon. G.E. GAGO: The honourable member is being completely pedantic about this. The government gave a commitment earlier today to progress this bill as far as honourable members were prepared to go. I gave an indication that we would definitely not be progressing until the third reading and that we would be progressing the bill as far as honourable members willed it to go. That commitment was given, and the honourable member is just being completely pedantic about this. Does he want it in blood?

Members interjecting:

The CHAIR: Order!

Members interjecting:

The CHAIR: We will get on with the amendments and leave the politics out of it.

The Hon. D.W. Ridgway: The minister is obviously tired.

The CHAIR: The minister has given a commitment that they will go as far as honourable members want. You cannot do much more than that. The opposition are not the only people inside these walls.

The Hon. S.G. WADE: I would like to make it clear that, contrary to suggestions, I am not playing politics. All I am seeking to do is to maintain my rights as a parliamentarian to consider a bill. I have indicated to the government that I have no intention to let this bill go to the end of the second reading stage. Honourable members will, as you say, consider that at the time. I think it is far from fair to say that maintaining my rights to consider a bill is playing politics. Minister, how will this clause impact on the salary and conditions of the Chief Magistrate?

The Hon. G.E. GAGO: I have been advised that it is likely to result in a salary increase of about $20,000.

The Hon. S.G. WADE: Can I ask about the other conditions of the Chief Magistrate?

The Hon. D.G.E. HOOD: I have a supplementary question to the Hon. Mr Wade's question. May I just add on?

The CHAIR: The Hon. Mr Hood.

The Hon. D.G.E. HOOD: Thank you, Mr Chairman. Specifically, minister, does the Chief Magistrate then qualify for a so-called judge's pension?

The Hon. G.E. GAGO: I have been advised that, no, not necessarily automatically. It would depend on whether they met the criteria in the Judges' Pensions Act, and there are time specifications around that, so they would have to fulfil those. I am also advised that other District Court conditions would also apply in these circumstances.

The Hon. S.G. WADE: I have a supplementary to the Hon. Mr Hood's supplementary. Does the application of the judicial pensions act to the Chief Magistrate apply in the same way as it would apply to any other District Court judge?

The Hon. G.E. GAGO: I am advised: yes, that is correct.

The Hon. S.G. WADE: Given that the Chief Magistrate will be taken to be both a magistrate and a judge and the retirement age for judges is 70 and the retirement age for magistrates is 65, what retirement age will apply to the Chief Magistrate?

The Hon. G.E. GAGO: I am advised: 70.

The Hon. S.G. WADE: Given that the Chief Magistrate's status as a judge will be taken to be their primary judicial office, will they be answerable to the Chief Judge?

The Hon. G.E. GAGO: I am advised: yes.

The Hon. S.G. WADE: So the Chief Magistrate will be answerable to the Chief Judge in relation to all matters, or only matters in relation to District Court matters?

The Hon. G.E. GAGO: I am advised: just District Court matters.

The Hon. S.G. WADE: Is the government considering any other changes to the retirement age for magistrates?

The Hon. G.E. GAGO: Not that I am aware of.

The Hon. S.G. WADE: I would ask the minister to take that on notice because it is not consistent with an answer that the Attorney-General gave in estimates. If she could take that on notice, it would be appreciated. The opposition would appreciate an update on progress in the government's consideration of the change of retirement age of magistrates. Is the government intending to introduce any other reforms to change the relationship between the District Court and the Magistrates Court?

The Hon. G.E. GAGO: Not that I am aware, but I am happy to take it on notice.

The Hon. S.G. WADE: Is the government aware of any other arrangements in similar courts in other states and territories where the Chief Magistrate is also a member of the relevant court similar to our District Court?

The Hon. G.E. GAGO: I am advised: yes, New South Wales and Queensland.

The Hon. M. PARNELL: I thought I might put the Greens' views on the record in relation to these amendments. First, we have no reason not to support them but we are supportive of the approach that the shadow attorney-general put forward, which is that, out of an abundance of caution, if we were able to report progress at clause 43, being the last clause in the bill, it would make sense.

We have not had the opportunity to get any feedback from constituents. At face value, it seems to make sense that the Chief Magistrate should be on an equivalent ranking to a District Court judge in the judicial pecking order. There may well be some unintended consequences that none of us have had the opportunity to explore yet, so we will be supporting this amendment at this stage and I think if we adopt the approach the shadow attorney-general suggested earlier we will be adding no more than one minute, maximum, to the time it takes for this legislation to eventually pass when we come back in September.

The Hon. R.I. LUCAS: I support the comments that have been made in relation to this provision. Being a natural-born cynic, I advise that the recent addition to the magistracy of one Nick Alexandrides has led me to be cautious in terms of what this change might be entailing. Is it the government's intention, with these changes, for the Chief Magistrate's prior service to be retrospectively applied to the judicial pension?

The Hon. G.E. GAGO: We are advised that it is currently not considered a service for those purposes and there are no amendments within this bill proposing any change to that.

The Hon. R.I. LUCAS: Just to clarify the minister's advice: when and if this bill passes the parliament and is proclaimed, the issues in relation to eligibility for the judicial pension will start from that day onwards for the person holding the position and only service from the day onwards when this act commences will count as eligibility towards a judicial pension?

The Hon. G.E. GAGO: I am advised that, yes, that is correct.

New clauses inserted.

Clause 20.

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

Page 7—

Line 35 [clause 20(2)]—Delete '$12,000' and substitute '$25,000'

Line 38 [clause 20(3)]—Delete '$12,000' and substitute '$25,000'

These amendments were first proposed by the member for Norwood, Steven Marshall, in the other place on 28 July 2011; that is almost a year ago. They were put forward in that place in the form of a private member's bill. The opposition welcomes the fact that the government is addressing the issue of what is a highly out-of-date threshold but believes that we have not gone far enough.

The jurisdiction of the minor civil division of the Magistrates Court currently stands at $6,000 for small claims; it has not been increased since 1991. When a proposal was put forward by the member for Norwood in the other place, the government opposed the change. The threshold proposed in this amendment is $25,000, which is the same as the Queensland jurisdiction.

Queensland is the latest state to update its threshold, and the opposition believes that the same threshold is warranted for South Australia.

Legal costs have more than doubled over the last 10 years, as was reported in *The Advertiser* on Monday of this week. Over the same period, general costs have increased by only a third. There is growing concern in the community at the narrowing access to justice. The Thinker in Residence Judge Peggy Hora recommended that the jurisdiction of the small claims court be increased, saying that:

> Where there is dispute involving a large sum of money (over $5,000)...only the wealthy or corporate bodies can afford to have it resolved in a court of law.
>
> Realistically, someone with a claim under $50,000 is unlikely to find private counsel to represent him or her. This may mean that people have to represent themselves or reduce their claim in order to fit within the small claim limits. Making the process open and understandable could better support self-represented litigants.

As Judge Peggy Hora highlights, we could well have looked to increase the jurisdiction even higher, double in fact what we are proposing, so that justice was accessible and affordable but instead we have taken a more modest approach. The benefit for reform is clear: it would free up resources for the magistrates court general division and reduce the backlog of proceedings. Secondly, it would ensure that claimants would be able to save money when resolving small disputes such as minor contractual disagreements between small business and conflicts within families. We believe that $25,000 is a sensible increase that will ensure justice is accessible for individuals and small businesses.

The government has expressed concerns that the proposed threshold is too high. It reminds me of the government's attitude to the Victims of Crime Fund which, again, has capped compensation payments of $50,000 with no increase since 1990. The government is more than two decades out of date on both these limits. It is a typical response for a government that has little regard for the justice system for small business and for victims. I urge members to support this common-sense increase in jurisdiction for the minor civil division to the benefit of small business, families and individuals.

The Hon. G.E. GAGO: The government opposes this amendment. The small claims limit has already been doubled by the bill amendment. The $12,000 figure provided in the bill was arrived at in consultation with the Chief Magistrate. The $25,000 claim is likely to be a matter of greater complexity than the small claims jurisdiction was designed to deal with. The small claims jurisdiction should not be overloaded with long and complicated matters which could lead to delays in people with smaller claims—which are obviously better suited to the jurisdiction—having their matters heard. Increasing the threshold to $25,000 is a substantial increase to the current jurisdiction and could have marked workload implications for the court.

Usually in a small claim, parties are not entitled to legal representation. Matters involving unrepresented parties can add an additional burden on the court and this could be exacerbated by dealing with more complex trials in a more informal setting. The Courts Administration Authority has advised that an increase to $25,000 would also impact on the workload of court registrars dealing with minor civil claim directions hearings, with an increase in the number of matters listed. Obviously, we do not wish to overload the work of the small claims jurisdiction and undermine its effectiveness. In most other states, small claims jurisdictions are limited to claims of $10,000—Queensland is the only jurisdiction with a small claims jurisdiction of up to $25,000.

The Hon. M. PARNELL: This amendment is one that I have discussed with the original mover, being the member for Norwood, but I have also had some correspondence which suggests that it is actually not the way to go. What we have to balance here are two things: we have the cost of justice and, really what we are talking about is the cost of employing lawyers to help you with your case—that is the biggest part of the cost of justice—and you also have the question of fairness, where you do not want people who are unrepresented up against people who are effectively lawyers or pseudo lawyers, so that is the balancing act.

The question is: where do we draw the line? Below what limit do you go along and represent yourself with lawyers being banned and what should the limit be for the normal rules where you have lawyers? Certainly, the Australian Lawyers Alliance has said that the $25,000 limit is too high.

The Hon. D.G.E. Hood: There's a shock!

The Hon. M. PARNELL: The Hon. Dennis Hood interjects and says, 'There's a shock.' I think it is an easy call to make, that lawyers will always support anything that involves lawyers being part of the action but I do think that the Australian Lawyers Alliance makes a point. In saying that the proposed $25,000 limit is too high for minor civil claims, in their letter to the Hon. Stephen Wade of 16 May, in fact, they go on to outline the experience of their Queensland members.

What they say is that that experience shows that, where you have a higher limit and you have 'frequent fliers', for want of a better word, they do manage to develop a fair amount of in-house expertise so, effectively, you are up against lawyers, even though they might not be officially qualified as such.

The Australian Lawyers Alliance refers to them as 'sophisticated claims officers and representatives'. What they say is that, even with lower amounts, people are probably going to have to get some legal advice anyway. So, really, the question is: is it enough for the state government to have doubled the jurisdictional limit for the small claims jurisdiction from six to 12 or should it be quadrupled to 25?

On balance, the Greens' view is that Queensland is an outlier. Their jurisdictional limit is far higher than the other states. We are happy for the jurisdictional limit to be doubled to $12,000, but we think it is going to a little far to put it to $25,000 given that we do not have a great deal of experience other than the Queensland experience, which appears to have some negative implications, so we will not be supporting this particular amendment.

The Hon. D.G.E. HOOD: Family First will be supporting the amendment. We believe that $25,000 is a reasonable amount of money as do, apparently, the legislators in Queensland under which people defend themselves, but the real issue is that the extremely high costs of being represented in court is absolutely unaffordable for most people—even people on what may be regarded as reasonably good incomes—and $25,000 in the scheme of things today is not an enormous amount of money. It is a modest new car, perhaps, and barely that.

I think the Hon. Mark Parnell made the arguments well. My only disagreement with him is where that line should be drawn and, in the case of Queensland, they have said $25,000. I think the problem we have—and I have raised this matter in this place before—is that, for whatever reason, we do not index the amounts that are put into legislation. If we did index these, we would not need to constantly come back to change the amounts on an ongoing basis. Anyway, we could talk about this for a long time. At the end of the day it comes down to whether or not you think that is about the right place where the limit should be drawn and, in this case, we do.

The Hon. S.G. WADE: I would like to respond to the comments of the Hon. Mark Parnell. He indicated that there was a risk of a disparity of justice in increasing the threshold. I would remind members that section 38(4) of the Magistrates Court Act provides:

> (4) The following provisions govern representation in minor civil actions:
>
> (a) representation of a party by a legal practitioner will not be permitted unless—

I pause to stress 'unless'—

> (i) another party to the action is a legal practitioner; or
>
> (ii) all parties to the action agree; or
>
> (iii) the Court is of the opinion that the party would be unfairly disadvantaged if not represented by a legal practitioner;

It goes on to make a series of other exemptions. The legislation is already structured to facilitate legal representation if it is necessary in the interests of justice. I remind honourable members, too, that this court is somewhat special in our judicial system, in that it is one of the inquisitorial courts, rather than adversarial courts. Again, I would remind honourable members of section 38(1) which provides that:

> (a) the trial will take the form of an inquiry by the Court into the matters in dispute between the parties rather than an adversarial contest between the parties;
>
> (b) the Court will itself elicit by inquiry from the parties and the witnesses, and by examination of evidentiary material produced to the Court, the issues in dispute and the facts necessary to decide those issues;

It goes on to provide that the court may examine witnesses and so forth. It is an inquisitorial court; there is much less need for judges. When Judge Peggy Hora, the government's own adviser on justice issues, says that you cannot get a lawyer for less than $50,000, what the opposition is

proposing to do is to reduce the gap of injustice. Instead of being a gap between $12,000 and $50,000, we are only talking about a gap between $25,000 and $50,000.

The Hon. M. PARNELL: I have a question of the mover of this amendment. He referred to the Magistrates Court Act, which effectively said that if it is not going to be fair then it is possible for someone to get a lawyer, but the test is that both parties have to agree or you have to convince the judge that the unfairness is of such a nature that you should be able to have your lawyer there.

My question of the mover is: is he aware of the experience in Queensland and is he aware of whether unrepresented litigants have successfully been able to convince the claims management agents or the magistrates that they should have a lawyer, because the person they are opposing in court is someone who is in there every single day and has a great deal of expertise? Is there any evidence that they have a similar provision in Queensland, firstly; and, secondly, are people finding that they are able to make a special case for being entitled to a lawyer notwithstanding that the default position is self-representation?

The Hon. S.G. WADE: I am not aware of the details of the Magistrates Court Act or the relevant act in Queensland. I think the point the Hon. Mark Parnell raises in terms of observing the development of a jurisdiction as threshold changes are made is a very valid one, but the government and the parliament will need to be on alert, whether we double it from six to 12 or whether we quadruple it to 25. I do not know what the provisions in Queensland are. It may be that we need to come back as we see the impact on the thresholds flushing through.

The fact is this bill and the Attorney-General's portfolio bills before it are a reflection of the lived experiences of the court on a day-to-day basis. I have received the letter that the honourable member referred to from the Australian Lawyers Alliance, but I have not been receiving representations that people do not feel they are getting justice from our small claims jurisdiction at this stage, and this is the legislation they are working with.

The committee divided on the amendments:

AYES (12)

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

NOES (9)

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

Majority of 3 for the ayes.

Amendments thus carried; clause as amended passed.

Clauses 21 to 22 passed.

Clause 23.

The Hon. A. BRESSINGTON: Unlike other clauses in the bill, which seek solely to expand the role of magistrates, this clause also seeks to remove the right to appeal a sentence imposed by a magistrate for a major indictable offence, and instead an appellant must seek the permission of the full bench of the Supreme Court, and that is special leave to appeal.

I seek the minister's explanation as to why such sentences have been singled out for the requirement for special leave regardless of the grounds for appeal. My reading of section 352 in the Criminal Law Consolidation Act is that an appellant has the right of appeal without the requirement to seek leave on a point of law and only requires leave on other grounds. In answering, can the minister also try to clarify where else an appellant is required to have special leave before being able to appeal regardless of the grounds, other than to the High Court, of course?

The Hon. G.E. GAGO: I have been advised, in respect of this provision, that consultation occurred with a number of interested parties, including the DPP, the Crown Solicitor, the Law

Society and a number of others. In respect of your other questions, they are fairly detailed and it is probably easier if we take those on notice and bring back those levels of detail in one go.

Clause passed.

Clause 24.

The Hon. S.G. WADE: I imagine I am about to ask the same question that the Hon. Ann Bressington is about to ask. Considering that we are in the latter stages of the bill, when exactly does the minister intend to come back with those answers? I just want to stress that I think all members of the council are interested in the answers to the Hon. Ann Bressington's questions, not just the asker.

The CHAIR: I understand that the minister indicated that we were going to adjourn at some stage, at the wishes of the council; she indicated that earlier. I would imagine that when we come back the answers will be provided.

The Hon. A. BRESSINGTON: If the minister comes back with the answers to the questions, and members do not see that that is appropriate and see the need to draft an amendment, would we be able to recommit this clause?

The CHAIR: Yes.

The Hon. G.E. GAGO: I think numerous briefings have been offered in relation to this; it has been on the table for some time and there were ample opportunities for members to raise specific and very detailed questions on a number of occasions. I find it fascinating that now, at the eleventh hour, members are clamouring for recommittals and all sorts of things. That is their right, if they want to recommit they can, that is available to them.

There have been ample opportunities, particularly in relation to this matter, for members to have raised questions. Briefings have been offered on numerous occasions. The Attorney-General's Office has bent over backwards in terms of providing assistance of additional information and, wherever possible, cooperating to find mutual positions. I just find it remarkable that this level of clamouring is going on at this eleventh hour.

The Hon. S.G. WADE: My comments are in response to the minister's comments.

Members interjecting:

The Hon. S.G. WADE: No, honestly, how can—

The CHAIR: That's okay. Don't be upset by the interjections from the government side. I'm not.

The Hon. S.G. WADE: How can she claim that this government is lily white about proper consideration of amendments to this bill when we have had two pages of amendments tabled four days ago? That is my first point. My second point is: has the minister ever sat in this parliament when we have had detailed questioning on bills? It is all well and good to get the advice of a minister's adviser in the informality of a ministerial briefing; it is another thing altogether to get a government to put on record what it intends for the legislation. I commend the Hon. Ann Bressington for doing her job as a parliamentarian.

In relation to the government's bullyboy tactics, trying to push this through, I think it is hardly surprising that this parliament is sensitive considering the way that it was treated in relation to graffiti legislation. I warn the government that it is going to have a much more cautious opposition, a much more cautious crossbench, after some of the recent displays from the government.

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

Page 8, lines 30 and 31 [clause 24(2)]—

Delete 'whether the relevant offence occurred before or after that commencement' and substitute:

(including the sentencing of a person for an offence that occurred before that commencement) only if the proceedings for the relevant offence were commenced on or after that commencement

I regard it as consequential to [Wade-3] 1. I seek the support of the council.

Amendment carried; clause as amended passed.

Clauses 25 to 37 passed.

Clause 38.

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

Page 11, lines 26 to 29 [clause 38(2)]—

Delete all words after 'sections 33, 34 and 35' and substitute:

—

(a) do not apply in respect of the procedure to be followed after the commencement of this Part in proceedings commenced before that commencement (and such proceedings are to proceed as if this Act had not been enacted); and

(b) apply in respect of the procedure to be followed in proceedings commenced after that commencement.

I believe it is consequential to [Wade-3] 1 and I seek the support of the council.

Amendment carried; clause as amended passed.

Clauses 39 to 42 passed.

Clause 43.

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

Page 12, line 22—

Delete 'whether the relevant offence occurred before or after that commencement' and substitute:

(including the sentencing of a person for an offence that occurred before that commencement) only if the proceedings for the relevant offence were commenced on or after that commencement

As members would have noticed, this is the last clause in the bill; my understanding is that it is the last clause in the bill. It was suggested by the Hon. Mr Parnell that this might be an appropriate place to report progress. I aim advised by the Clerk that—

The CHAIR: Good advice, too, I might add.

The Hon. S.G. WADE: And the Chair. Given I am anticipating further consideration of an amended clause, it would provide more flexibility if we complete the committee stage and the opposition, depending on the research and consultation we undertake, may be seeking recommittal of the second reading at the next day of sitting. In that context, I am mindful of the fact the Hon. Ann Bressington will have questions outstanding, so I seek clarification from the Chair whether, if the bill was recommitted, that would also allow the minister to provide answers to the honourable member's questions. I believe this amendment is consequential to [Wade-3] 1 and I seek the support of the council.

The Hon. G.E. GAGO: It is consequential.

Amendment carried; clause as amended passed.

Long title.

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

Long title—After 'the *Domestic Partners Property Act 1996*,' insert 'the *Magistrates Act 1983*,'

Amendment carried; long title as amended passed.

Bill reported with amendment.

SWIFT, MS CHRISTINE

The PRESIDENT (16:32): I rise to advise members that we are about to lose the services of Ms Christine Swift, who has more than capably served in the Office of Parliamentary Counsel and this parliament for some 27 years. I am sure I speak for us all when I say that we are sad to lose Christine, who has truly been a wonderful asset to this parliament in her assistance in drafting legislation and, more expressly, numerous amendments that are very much part of the work of this chamber.

I know that Christine has had vast experience in drafting some of our most important legislation in areas including domestic violence, equal opportunity, anticorruption, public sector employment, privatisation of electricity bodies, outback communities, liquor licensing, consumer

affairs, small business, environment protection, native title, mental health, dangerous substances, livestock and aquaculture.

Christine has also held the role of Commissioner for Legislation Revision and Publication since 2003, which involved the conciliation of legislation and its legislative history. Christine undertook the legislation website project and the XML drafting and publishing system project, of which many have been the beneficiaries, and has been vital in particular to our parliamentary processes. I am sure you will all join me in expressing our disappointment in losing Christine and her services to this parliament as such an experienced and valuable person, and I take this opportunity to wish Christine every success in her future endeavours.

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for Tourism, Minister for the Status of Women) (16:34): With the leave of the council, I rise to support your comments. I understand Christine Swift has been part of parliamentary counsel since August 1985, and she has certainly left an indelible mark on this parliament and on the South Australian community in terms of the legacy of legislation she has left behind her.

I have been very fortunate enough to have the privilege of working with Christine on a number of pieces of legislation over the years, and I have always enjoyed working with her and been very much impressed with her performance. She always conducts herself in a highly professional way. She is an incredibly competent and very smart woman. She certainly begs no favours in terms of being able to work across all elements of parliament; she is very fair and even-handed in the way she has approached all members of parliament, and the respect afforded to her by all members of parliament.

Christine is one of these people who is certainly not afraid to give frank and fearless advice. As a minister and for me personally, I find this to be a very precious attribute. It is very much a breath of fresh air to be around a highly professional technician who is prepared to tell you what you need to know rather than what they think you might want to hear. As I said, that is a very precious thing indeed and I have valued that fearless and frank advice very much, and I certainly have trusted that advice.

Christine also has an uncanny ability to accommodate a wide range of different concerns and points of view when drafting legislation. She has an outstanding ability in creative problem solving and has been an enormous help in being able to resolve issues. She has often helped reach a point where all parties have been able to agree and then move forward. Without that wonderful ability to resolve those differences, I believe there is a great deal of legislation that would have either been much poorer for it or would simply have never been able to gain the support it needed to pass through this house in particular.

It is interesting to look at some of the legislation that you listed, Mr President. There is the Liquor Licensing Act; small business commissioner act; EO Act, which I had quite a bit to do with; the Public Sector Act; Dog and Cat Management Act; native title; livestock; ICAC—the list is enormous. However, her skills are apparently not just confined to drafting legislation. She has also been responsible for designing a computer system and simplifying work practices within the Office of Parliamentary Counsel. I understand that the IT system she developed has facilitated the process of drafting and consolidating legislation and that those skills are being sought by other jurisdictions at this point, so that will serve her well.

This work has flowed naturally into a further major project, which in 2006 led to the development of the South Australian legislation website. That website has made all South Australian legislation accessible to everybody who wants to avail themselves of it. Christine is a very remarkable woman, she has made an enormous contribution to SA statutes and her skills have been a massive help in providing South Australia with some very sound and good legislation.

It has been my great pleasure to have been able to work personally with Christine, and I know others have enjoyed working with her as well. I, along with others here in this chamber, wish her every success and happiness in all her future pursuits.

The Hon. D.W. RIDGWAY (Leader of the Opposition) (16:38): I rise to support your remarks and thank Christine for her many years of service. In the time I have been a shadow minister we have only very occasionally had a chance to work together, but I have always found her to be very easy to work with and very understanding of perhaps the clumsy way I would ask questions of her; she would put it into very sensible words.

The Hon. G.E. Gago: She even made you look good.

The Hon. D.W. RIDGWAY: Exactly, and it is a fair job to make me look good, as members would know. I know that former members Robert Lawson and Caroline Schaefer also send their best wishes as Christine is departing, as I have been told, to write the constitution for Nauru. I have visions of a beautiful tropical island with palm trees and pina coladas, so I hope it is like that and not some of the other visions that we have seen in some of the Pacific Islands. I am sure she will have a wonderful time and that the country of Nauru will be better served by having a new constitution. I know that others have a few comments to make but, generally, on behalf of the team, I thank Christine very much for her years of service.

The Hon. S.G. WADE (16:39): I would like to join my remarks with your remarks, Mr President, and those of the two leaders. As shadow attorney-general, I am particularly indebted to parliamentary counsel and I appreciate the opportunity to thank and pay tribute to the work of Christine Swift. Christine has always been diligent and, perhaps more importantly, patient. Her expertise is expansive. When we come into this place we think of parliamentary counsel as parliamentary draftspeople, but it does not take us long to realise that that is merely the tip of the iceberg. They are effectively our personal tutors in law and good legislative practice.

The fact of the matter is that, increasingly, members of parliament are not lawyers in their own right and for us to be given the support to produce good laws for the people of this state we rely on parliamentary counsel to do that job. Parliamentary drafting is far from a technical craft. It is where politics and law meet, and Christine has a great capacity to understand both the depth of the law and the dynamics of politics and to produce workable solutions that meet both needs.

I must admit that I was informed by your comments, Mr President, that Christine was the architect of the legislation.sa.gov.au website. I believe that is one of the most important innovations in the government of South Australia for many years. We cannot expect citizens to obey the law if they cannot find it. The fact that citizens not only have access to the current laws but also have access to bills that are being considered by this parliament, I think, is a great advance. It is so much easier to help people to remain part of the parliamentary process through that site, and I would particularly like to thank Christine for that. Not only will her fingerprints be over our statute books for many years to come but also over our website. Thank you.

The Hon. A. BRESSINGTON (16:41): I also want to joint with your comments, Mr President, and those of other members in this place in congratulating Christine Swift for the service that she has provided. In the 6½ years that I have been in this place, she has had a hand in helping me and my office with numerous amendments to government legislation, most of which have been successful, and I believe that is purely because of the expertise she applies to the drafting of those amendments and the understanding of what the intention is behind those amendments.

As the minister stated, Ms Swift is not afraid to tell you if you are off the mark or where amendments need to be improved or even if they are possible to achieve. I must admit that, being a non-lawyer, I find that very useful. Not having a lawyer in my office, it is a huge service to us to make sure that we get it as right as we possibly can.

As for the website design on the legislation in this place, I would also like to thank Christine Swift for that contribution. Quite often we have constituents who believe they know what the law is but do not quite understand, and we can now refer them to that website and they can get a better understanding of changes that have been made and legislation that has been drafted and sometimes save themselves the bother of treading their way to court when they realise that it was not working exactly the way they thought it was.

I also believe that after 27 years in this place, the minister is right, that she will be leaving an indelible mark on South Australia and that we have had far better laws passed due to her efforts and diligence and her application of the law in practical terms. So, I personally thank you and I wish you well in your future endeavours.

The Hon. J.A. DARLEY (16:44): I rise to support your comments as well. I, too, would like to take the opportunity to extend my thanks to Christine on behalf of my office. Although I probably have not had as many dealings with Christine as some other members, I will say that she has always demonstrated a great deal of knowledge, professionalism and courtesy. She is a woman of few words, who not only gets the job done but always produces work of the highest standard that we have come to expect from parliamentary counsel.

Since coming to this place, Christine has been instrumental in drafting amendments for me, particularly in the area of gambling regulation and more recently to the TAFE SA Bill. Importantly for all of us non-lawyers, she has been able to provide advice in easy to understand plain English. I am advised by my staff that my predecessor, Senator Nick Xenophon, certainly kept Christine on her toes when he was in this place. I am sure her workload diminished when he left this parliament. I, together with my staff, wish Christine all the best in her future endeavours. We will certainly miss her.

The Hon. CARMEL ZOLLO (16:45): As a former minister, I simply wish to echo the comments of the Leader of the Government in this place, the Hon. Gail Gago, and thank Christine Swift for her very many years of commitment and devoted public service to this parliament and, ultimately, to the community of South Australia. She definitely will leave the parliament and South Australia a better place. I wish her the very best for all her future endeavours. Thank you, Christine.

The Hon. R.I. LUCAS (16:46): With the leave of the council, I rise to support your comments and those of other members. I am obviously the only member who can say I was in the house when Christine started and still here when she left. I will leave it to other members to make commentary as to the worth or appropriateness of that set of circumstances.

The PRESIDENT: Do you want to go to Nauru?

The Hon. R.I. LUCAS: The answer to the question is no, thank you, or indeed joining you in your Winnebago travelling around Australia. I can certainly say that I have got considerably more grey hairs during that particular period. I am sure Christine has; I think it is perhaps just a touch of silver that might have been added in those 27 years of service to members and to the parliament.

As is often the way, the members in parliamentary parties who generally spend the most time with parliamentary counsel are the lawyers, the leaders, the attorneys and shadow-attorneys. That is not a complete rule, but I think that is probably a pretty good rule of thumb. Certainly I know from the Liberal Party's viewpoint over those 27 years that the members who would have spent most time with Christine would have been former members such as the Hon. Trevor Griffin, the Hon. Robert Lawson (I think one of my colleagues referred to him earlier), the Hon. Angus Redford, and possibly even the Hon. John Burdett. I suspect he might have retired about the time that Christine started.

I happened to be speaking on other issues to the Hon. Trevor Griffin last night and I know that he would wish to be associated, albeit from afar, with the remarks, Mr President, that you have made on behalf of the Legislative Council and that my colleagues have made on behalf of Liberal members in this chamber. Christine would have known Trevor Griffin well. He was similarly meticulous with the law, similarly meticulous with drafting and legislative practice. I am sure they spent many productive hours together over the years, whether Trevor was in government or whether he was in opposition.

I, too, join with you and other members in acknowledging the merit of the work that Christine has done as part of a team. I am sure she would be the first to acknowledge she has been a willing part of a very good team. Some have retired, and we have acknowledged some of them before, and some are still serving the parliament and members. I would wish to be associated not only with my current colleagues but with the very many former colleagues who have represented the Liberal Party in this chamber during the many years of sterling service that Christine has given to the parliament and to its members.

The PRESIDENT (16:49): I would just like to thank the honourable members for their contribution and also on behalf of the Legislative Council staff, I know Jan, in particular, and Chris would want to say, 'All the best for the future and thank you very much for your service.'

Next week I will see some of the parliamentarians and the clerks from Nauru, I understand. If you would like me to ask them to stock up with Haigh's Chocolates, Penfolds or anything like that, you had better slip me a note before we get there. All the best for the future.

Honourable members: Hear, hear!

TELECOMMUNICATIONS (INTERCEPTION) BILL

In committee.

(Continued from 28 June 2012.)

Clauses 3 and 4 passed.

Clause 5.

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

Page 4, line 24 [clause 5(2)]—Delete 'may' and substitute 'must'

I spoke about this in the second reading stage and I understand that the government is agreeable to it. If that is true, I will not speak to it.

The Hon. G.E. GAGO: Neither will I except to say the government supports this amendment.

Amendment carried; clause as amended passed.

Clause 6.

The Hon. S.G. WADE: Considering this is the last stage of the committee stage, I would just like to clarify where to from here because there was a report on 29 June 2012, and I quote:

The Gillard Government has acted promptly to pass telecommunications interception legislation to support the Victorian and South Australian Governments establish their anti-corruption agencies.

The Telecommunications Interception and Other Legislation Amendment (State Bodies) Bill 2012, which passed the Senate on the 18th of June, amends the Telecommunications (Interception and Access) Act 1979...to pave the way for the new Victorian and South Australian bodies to be able to intercept communications and to use intercepted information.

I was surprised to see that because I understood that the commonwealth parliament was waiting for the state parliaments to finish their job but, be that as it may, I understand that this bill needs to be considered by the commonwealth government. Could the minister clarify in these final stages of the bill what will be the next step with this legislation? I appreciate it needs to go back to the house, but I meant, as it is finalised, what more do we need to do to have the ICAC being able to access these powers?

The Hon. G.E. GAGO: I have been advised that the next step, other than the process through parliament, is that the Premier would write to the commonwealth to request that SA be declared as an eligible authority under the commonwealth act, and then the commonwealth would declare us as such. However, the commonwealth would be unable to do that until the ICAC bill was also completed.

Clause passed.

Remaining clause (7), schedule and title passed.

Bill reported with amendment.

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for Tourism, Minister for the Status of Women) (16:55): I move:

That this bill be now read a third time.

Bill read a third time and passed.

CHARACTER PRESERVATION (MCLAREN VALE) BILL

In committee.

Clause 1.

The Hon. D.W. RIDGWAY: I just need some guidance from you, Mr Chairman.

The Hon. S.G. Wade: Can we do this without a minister?

The Hon. D.W. RIDGWAY: Well, I am happy to do it without a minister; it would be much quicker. I have two questions that I would like to pose to the minister so that an answer can be provided over the break, but they actually relate to the Barossa rather than McLaren Vale. I am happy to put the questions on notice but, as this is the McLaren Vale bill, I just wonder whether it is appropriate to do so. So, I will seek some advice from you first, Mr Chairman.

The CHAIR: Are we going to touch on both bills, minister?

The Hon. G.E. GAGO: Yes. I understand that what we are doing is using clause 1 as an opportunity to put questions on the record so that work can be done over the break. However, in the past, when honourable members have spoken on the character preservation of McLaren Vale,

they have generally spoken on both bills at the same time. So, if that is convenient for honourable members, we can do that; otherwise, we can go from one bill to the next.

The CHAIR: I am in the hands of the committee.

The Hon. D.W. RIDGWAY: I do not mind. I have two questions that relate to the Barossa, provided that you, as minister, are happy to take them, even though we are dealing with McLaren Vale.

The CHAIR: The Hon. Mr Ridgway.

The Hon. D.W. RIDGWAY: Thank you. This basically relates to some clarity from the government in relation to two areas: one is the North Para Environmental Control, which is the land close to Beckwith Park. It is the boundary relevant to the business called Tarac and the NPEC. It is in the primary production zone, outside the town boundary.

The advice that the minister's office has given me is that it is basically a wastewater treatment plant for Tarac and other wineries. They are concerned that this is in a rural zone and that, should they wish to expand—it is not a normal rural activity—in the future, they are concerned that any expansion or alterations to the activities on that property for wastewater treatment will be a non-complying development because it is in a rural zone. The minister's office has said,' No, that's an existing land use and it could still take place.'

What I would like from the minister's office over the break is a statement that we can put on the record in the debate that it is not the intention of this particular piece of legislation to preclude any further development or expansion in line with the activities that are there now. If the minister is able to do that, I am sure the people from Tarac and the people involved with NPEC (North Para Environmental Control) would draw some comfort from that. If not, we would perhaps look to amend the boundaries of the town to put that area within the town boundary because it is not captured under the rural zone. That is the first question and I think the minister understands that.

The second question is in relation to land on Stockwell Road, Angaston that is zoned industrial at the moment. As members probably would be aware, there is a facility there called Vinpac which does a massive amount of wine packaging, so it is an industrial site, and there is some land around that that is zoned industrial. It cannot be practically included in the district because it does not relate to primary production. It has already been zoned industrial. It is not identified on any of the maps, that I am aware of, as either a designated area or a rural living zone, because it is an industrial zone. The Barossa Council states:

> A majority of the land in the zone is undeveloped or underutilised. Inclusion of this land in the district subjects it to the new 'Character Preservation Overlay' and in the Development Plan that apply in rural areas.
>
> Council is concerned that the rural-based design or layout policies such as building profiles, architecture, and siting contained in the overlay could severely restrict development potential for limited land within this industrial area. Those policies also cannot be consistently applied retrospectively to the existing large scale development which exists in the zone.

Again, I am looking for clarity for that site, which I repeat is the Vinpac site on Stockwell Road, Angaston. I have looked at the Google maps and it is quite a large site, probably a number of hectares. There is also a quarry nearby which I expect would be covered by the extractive industries provisions.

Nonetheless, I would request that the minister bring back some advice from her colleague the Minister for Planning in relation to that site and, if necessary, an amendment to the maps lodged at the registry office to include that industrial area. The opposition would be happy with that because, clearly, it is not fit for rural living and already has a significant amount of industrial activity on it.

Progress reported; committee to sit again.

The Hon. D.W. RIDGWAY: Mr President, I draw your attention to the state of the council.

A quorum having been formed:

SITTINGS AND BUSINESS

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for Tourism, Minister for the Status of Women) (17:05): I move:

That standing orders be so far suspended as to enable the Clerk to deliver the Telecommunications (Interception) Bill and message to the Speaker of the House of Assembly whilst the council is not sitting, notwithstanding the fact that the House of Assembly is not sitting.

Motion carried.

At 17:05 the council adjourned until Tuesday 4 September 2012 at 14:15.