LEGISLATIVE COUNCIL

Thursday 20 September 2012

The PRESIDENT (Hon. R.K. Sneath) took the chair at 11:04 and the Clerk read prayers.

STATUTES AMENDMENT (NATIONAL ENERGY RETAIL LAW IMPLEMENTATION) BILL

The Hon. I.K. HUNTER (Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (11:05): By leave, I move:

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

Motion carried.

STATUTES AMENDMENT AND REPEAL (TAFE SA CONSEQUENTIAL PROVISIONS) BILL

The Hon. I.K. HUNTER (Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (11:05): By leave, I move:

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

Motion carried.

STATUTES AMENDMENT AND REPEAL (BUDGET 2012) BILL

The Hon. I.K. HUNTER (Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (11:06): By leave, I move:

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

Motion carried.

SITTINGS AND BUSINESS

The Hon. I.K. HUNTER (Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (11:06): I move:

That standing orders be so far suspended as to enable petitions, the tabling of papers and question time to be taken into consideration at 2.15pm.

Motion carried.

PETROLEUM AND GEOTHERMAL ENERGY (TRANSITIONAL LICENCES) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 19 September 2012.)

The Hon. M. PARNELL (11:07): The Greens oppose the second reading of this bill. We oppose it because it is bad law, we oppose it because it has resulted from a bad process and we oppose it because it represents a deep-rooted disrespect for Aboriginal people and their rights. This bill effectively denies the continuing connection between Aboriginal people and their traditional lands and the responsibility that goes with that connection. It is bad law and we oppose it.

However, I am speaking today under sufferance because this bill is being rushed through with unseemly haste with no adequate reason having been provided. The normal practice in this place is that members should have the chance to adequately consult with stakeholders before having to engage in debate on a bill. It is common practice for all members to talk to stakeholders, find out what the issues are, then talk to government, and put to government officials the issues and questions that have been raised by stakeholders, and we do that in order to know how the legislation we pass in this place affects the real world and the people who live there. So, that is the normal process.

The time-honoured practice in this chamber is one that we never insist on a bill being debated, much less being voted on in the same week in which it has been introduced into this chamber. We have had this bill a total of two days. The normal practice is that it should sit on the

Notice Paper for at least one sitting week, so really we should be debating this in the middle of October when the next sitting week is scheduled to take place.

This bill is being rushed through with unseemly haste and whilst we are reluctantly engaging at the second reading, which we oppose, we will be opposing this bill going into committee. I have no doubt that the government expects that the bill will go through committee and that it will go through to a final vote. The minister has advisers ready, the departmental officials are here and parliamentary counsel are ready to go, yet this is completely against the standards of practice that we have all come to accept and honour in this place.

The Hon. K.L. Vincent: Shame!

The Hon. M. PARNELL: The Hon. Kelly Vincent interjects, 'Shame!' and I agree with her entirely: it is a shameful practice that—

The PRESIDENT: The Hon. Kelly Vincent is out of order.

The Hon. M. PARNELL: —is being undertaken today. But the rules around not debating a bill and not voting on it in the same week that it has been introduced are not set in stone. There can be reasons, and there can be good reasons why, in the interest of justice and fairness, it can be appropriate for a bill to be rushed through.

For example, if a bill is designed to avoid harm, and there is evidence that harm will result if the bill is not very quickly passed and brought into law, then the Greens will support the suspension, if you like, of the normal practice of this chamber. We have done that in the past, and I expect we will be doing it again this afternoon.

There is another bill before us where the government has made the case that there is some harm that might result if we do not pass the bill quickly; the Greens have accepted that position. We are not going to stand on ceremony and say, 'No, we insist that this bill stay on the table for another whole sitting week.' If the government can make its case, then we are prepared to waive the rules, but in this particular instance the government has not made the case.

The other precondition for breaching the accepted practice of this council is if a bill is non-contentious, and that cannot be said of this bill: this bill is contentious. Despite the fact that we have only had a very small number of days to actually talk to anyone about this bill and what it means, I can say categorically that the bill is contentious.

This bill does not have universal support in the community, and it certainly does not have universal support in this parliament, so why on earth is the government pressing ahead with trying to conclude debate today? I will have a large number of questions in committee pursuing that issue, making the government make its case as to why this is so urgent that we have to suspend our normal practices to rush it through.

There is another category where a bill can sometimes go through if it is non-contentious, and that is genuine correction of an error. The government is going to rely on that; they are going to say this is the genuine correction of an error. But my understanding, from the limited consultation I have undertaken, is that is not true; that is contested ground as well—whether this is simply a small administrative fix-up or whether it is, in fact, affecting substantive rights.

I should say, for completion, that there is one further category where the old parties in particular are happy to suspend the normal practice of the Legislative Council, and that is the case of snouts in trough. Whenever we get an increase in politicians' pay or an increase in superannuation, we find that goes through usually on the same day that it is introduced and, more often than not, it is likely to be budget day, often at the same time the Treasurer is on his feet delivering the budget in the other place; that is an excellent time to rush through a bill to give politicians a pay rise or extra superannuation.

This bill has come to us late and it has caught many of us by surprise. In fact, the first I heard of it was when I was approached by a journalist from *The National Indigenous Times*, one of the Indigenous newspapers, and asked what I thought about the bill. The first thing I said was, 'Well, we haven't got this bill yet. It hasn't reached the Legislative Council,' and I explained to the journalist what the practice of the Legislative Council was.

I said, 'Well, I don't expect that the government would be so improper as to breach parliamentary conventions,' but the journalist insisted that what he was saying was true, and he said that there was no consultation with Aboriginal people. I was not in a position to be able to

verify whether or not that was the case; I since have and found that the consultation has been absolutely appalling, if not non-existent.

Nevertheless, on the basis of what the journalist told me, I was happy to say that I thought it was appalling any bill would be pushed through the parliament without consultation with the people it most affects, and certainly without giving members of parliament the opportunity to consult with stakeholders. That is our first objection; it is in relation to haste. Whilst we do not believe that we should be doing the second reading today, we have agreed that we will put our initial remarks on the record, and that is what I am doing now, and my colleague (Hon. Tammy Franks) will do so as well.

If the government does try to force it through the committee stage, as I said, I have a large number of questions around the unseemly haste and looking to the government to prove why it is necessary. My suspicion is that there are no real and genuine reasons, that this is really self-diagnosed panic. If that is not the reason, then there are some even more sinister reasons that relate to the subverting of the legal process and undermining of litigation that is on foot, and we will get to that in a second.

In fact, I will get to that right now, because the Hon. Stephen Wade alluded to this very briefly and in general terms yesterday but I am happy to go on the record a little bit more expansively. We know that there is a dispute between Aboriginal native title claimants and oil and gas companies in the north-east of this state over the right to negotiate and, in particular, in relation to various activities where those traditional owners believe they have a right to have a say and they want to enter into negotiations with the company. My understanding is that negotiations have not been fruitful at an informal level and we now find that this matter is before the courts.

The Attorney-General's Department has produced a letter which I will read into the record. It is dated 7 September 2012 and, at the outset, I will read the final sentence and then proceed to the rest of the letter. In fact, this is the penultimate sentence, and it says, 'Please be advised this is an open letter.' So, it was clearly a letter that the Crown Solicitor's Office expected would be in the public realm and form part of general debate. As I say, the letter is dated 7 September 2012. It is addressed to the SA Native Title Services Ltd and it is for the attention of Mr Michael Pagsanjan. The letter reads:

> Dear Michael,
>
> Re Fay Nicholls and Ors v State of SA and Ors (No. SAD 64 of 2012)
>
> I write to you regarding the Petroleum and Geothermal Energy (Transitional Licences) Amendment Bill 2012. This Bill will retrospectively amend sections 82 and 83 and the Schedule of Transitional Provisions of the Petroleum and Geothermal Energy Act 2000 (SA). I understand that you have been provided with a copy of the Bill from the Department of Manufacturing, Innovation, Trade, Resources and Energy. The Bill has now been introduced to Parliament.
>
> The proposed amendments to the Petroleum and Geothermal Energy Act have retrospective operation in order to ensure that existing transitional Petroleum Production Licences were granted, renewed or consolidated consistently with Part 2 Division 3, Subdivision 1 of the Commonwealth Native Title Act 1993 and therefore did not attract the right to negotiate. These provisions will deem consolidated transitional licences such as PPLs 228, 232 and 237 to have been granted for 21 years and the underlying basis for this litigation will no longer exist.

I might just pause there. This is a letter from the Crown Solicitor's Office to the legal advisers for parties to litigation basically saying that, as a result of legislation introduced—not passed—into one half of the parliament, therefore the underlying basis for the litigation will no longer exist. The letter goes on:

> I am instructed to advise that should your client discontinue these proceedings, my client will meet your client's reasonable costs.

In other words, you could call that an offer, you could call it a threat, you could call it whatever you want. I call it despicable. Here is the government lawyers writing saying, 'We have a piece of legislation before the parliament which kills your court case, so discontinue.' If they discontinue they say they will pay their costs but, nevertheless, that means the action would end and the merits of the issue would not be agitated and would not be resolved. The letter goes on:

> The first respondent will write in the same terms to the other respondents (save as to costs) and advise accordingly. I am conscious that this matter has been set down for hearing on the 8th and 9th October 2012 before Mansfield J. in the Federal Court, and that the matter therefore has some urgency. Accordingly, I request that you advise by close of business on 21 September 2012 if you are prepared to discontinue these proceedings.

And then the letter concludes:

Please be advised that this is an open letter. I would be pleased to discuss any issues arising from the proposed legislation at your convenience.

The letter is signed, 'Yours faithfully, Crown Solicitor.' A number of things arise from that letter. If the intent of this legislation is to undermine legal proceedings that are on foot, then that is an absolute abuse of the parliamentary process. I will not say that I am surprised. What I would say is: why does the government not do what it normally does and wait until it loses a court case and then introduce retrospective legislation and try to fix it up?

It is cutting off even the debate; it is cutting off the agitation of the issues. I do have some experience with the government cutting off legal proceedings with legislation after it has lost. The best known example probably would be back in 1999 when I won this state's longest ever environment trial of tuna feedlots in Louth Bay, and, within a week, the government had changed the law to undermine the results of that court case.

We also saw in the case of the Whyalla Steelworks that, when the EPA finally did its job, when it finally issued a tough anti-pollution licence that protected the health of the residents of Whyalla, the government stepped in after the event to cancel the authority of the EPA, cancel its licence and reinstate through legislation a licence that the company was happy with. That is the normal way that skulduggery works in this place.

The government will have an opportunity to counter this, but it seems pretty clear from this letter that this legislation and the timing of this legislation is aimed to prevent legal proceedings being agitated in our courts. It is also interesting that the letter says that the party that it is written to, SA Native Title Services Ltd, has until the close of business tomorrow night in order to decide whether it is going to discontinue its proceedings.

How curious that that date was chosen, being the day after this last day of sitting for this week. A question that I have of the government, and it is a question of the opposition as well, is: had the government and the opposition stitched up by 7 September the notion that this bill would pass through both houses of parliament by today, by 20 September?

The Hon. S.G. Wade: No.

The Hon. M. PARNELL: The Hon. Stephen Wade interjects no, and I am grateful for that interjection. He is saying that there was no deal stitched up, certainly on the part of his party. Certainly I would suggest that the government has, working with the Crown Solicitor's Office, determined that it wants this legislation through. It did not have the courtesy to tell us back on 7 September that this was going to happen. I am not saying that the Greens would have supported the legislation, but had it done that we would have had an extra couple of weeks to talk to stakeholders.

If it had been clear and honest about its intentions on 7 September and told us that it was going to push this legislation through, at least we could have had the opportunity to talk to some stakeholders. But it has not had that courtesy. It has not shown the Legislative Council that respect, and I think it is absolutely appalling.

The Hon. Stephen Wade, and I think members in the other place, has referred to the fact that Santos, a major oil and gas producer in the north-east of our state, is a key player in this legislation. What I do need to say is that I do not have any particular information about the litigation that is on foot. All I have is the citation that it is Fay Nicholls & Ors v the State of South Australia & Ors, but I accept that Santos is probably in there; and if I had had more time to access court documents through the court's public register provisions then I would certainly have more information. Certainly my understanding is that Santos is involved.

The question that then needs to be asked is: does the haste with which this bill is being pursued have anything to do with any favours that are owed to Santos or any promises that have been made to Santos? Because we know that the relationship between Santos and the government is a close one. We know that it is a financial one.

I seek leave to have inserted into *Hansard* a purely statistical table from the Australian Electoral Commission showing the returns, the donations that have been made to the Australian Labor Party, South Australian branch and to the Liberal Party of Australia, South Australian branch; and donations by Santos from the period 2005-06 to the present date.

Leave granted.

Donor Annual Returns 2005-06

Donor: Santos Ltd

Donations made to:

Name	Address	Date	Value
Australian Labor Party (South Australian Branch)—SA	141 Gilles Street ADELAIDE SA 5000	1/03/2006	$1,000.00
Australian Labor Party (South Australian Branch)—SA	141 Gilles Street ADELAIDE SA 5000	1/03/2006	$3,000.00
Australian Labor Party (South Australian Branch)—SA	141 Gilles Street ADELAIDE SA 5000	30/06/2006	$1,600.00
Liberal Party of Australia (S.A. Division)—SA	GPO Box 20 ADELAIDE GPO PRIVATE BOXES SA 5001	1/07/2005	$1,100.00
Liberal Party of Australia (S.A. Division)—SA	GPO Box 20 ADELAIDE GPO PRIVATE BOXES SA 5001	28/10/2005	$1,000.00
Liberal Party of Australia (S.A. Division)—SA	GPO Box 20 ADELAIDE GPO PRIVATE BOXES SA 5001	24/02/2006	$700.00

Extracted from Australian Electoral Commission website

http://periodicdisclosures.aec.gov.au/Donor.aspx?SubmissionID=8&ClientID=626

Donor Annual Returns 2007-08

Donor: Santos Ltd

Donations made to:

Name	Address	Date	Value
ALP—SA	141 Gilles Street ADELAIDE SA 5000	16/08/2007	$2,500.00
ALP—SA	141 Gilles Street ADELAIDE SA 5000	22/08/2007	$15,000.00
ALP—SA	141 Gilles Street ADELAIDE SA 5000	6/09/2007	$5,500.00
ALP—SA	141 Gilles Street ADELAIDE SA 5000	6/09/2007	$450.00
ALP—SA	141 Gilles Street ADELAIDE SA 5000	21/05/2008	$250.00
ALP—SA	232 Main South Rd Morphett Vale SA	10/06/2008	$500.00
ALP—SA	141 Gilles Street ADELAIDE SA 5000	6/06/2008	$370.00
Liberal Party of Australia (S.A. Division)—SA	104 Greenhill Rd Unley SA 5061	1/08/2007	$1,500.00
Liberal Party of Australia (S.A. Division)—SA	104 Greenhill Rd Unley SA 5061	17/08/2007	$2,750.00
Liberal Party of Australia (S.A. Division)—SA	104 Greenhill Rd Unley SA 5061	18/07/2007	$5,000.00
Liberal Party of Australia (S.A. Division)—SA	104 Greenhill Rd Unley SA 5061	17/08/2007	$1,400.00
Liberal Party of Australia (S.A. Division)—SA	104 Greenhill Rd Unley SA 5061	17/08/2007	$275.00
Liberal Party of Australia (S.A. Division)—SA	104 Greenhill Rd Unley SA 5061	27/08/2007	$5,000.00

Name	Address	Date	Value
Liberal Party of Australia (S.A. Division)—SA	PO Box 29 Jamestown SA 5491	12/12/2007	$2,000.00
Liberal Party of Australia (S.A. Division)—SA	104 Greenhill Rd Unley SA 5061	5/11/2007	$2,500.00
Liberal Party of Australia (S.A. Division)—SA	PO Box 37 Ingle Farm SA 5098	5/09/2007	$2,000.00
Liberal Party of Australia (S.A. Division)—SA	61 Henley Beach Rd Mile End SA 5031	6/11/2007	$500.00
Liberal Party of Australia (S.A. Division)—SA	429 Magill Rd St Morris SA 5068	7/11/2007	$200.00

Extracted from Australian Electoral Commission website

http://periodicdisclosures.aec.gov.au/Donor.aspx?SubmissionID=10&ClientID=626

Donor Annual Returns 2008-09

Donor: Santos Ltd

Donations made to:

Name	Address	Date	Value
Australian Labor Party (South Australian Branch)	141 Gilles Street ADELAIDE SA 5000	27/03/2009	$2,000.00
Australian Labor Party (South Australian Branch)	141 Gilles Street ADELAIDE SA 5000	8/04/2009	$370.00
Liberal Party of Australia (S.A. Division)	GPO Box 20 ADELAIDE SA 5001	11/11/2008	$95.00
Liberal Party of Australia (S.A. Division)	GPO Box 20 ADELAIDE SA 5001	7/04/2009	$1,100.00
Liberal Party of Australia (S.A. Division)	GPO Box 20 ADELAIDE SA 5001	9/04/2009	$500.00
Liberal Party of Australia (S.A. Division)	GPO Box 20 ADELAIDE SA 5001	28/08/2008	$135.00
Liberal Party of Australia (S.A. Division)	GPO Box 20 ADELAIDE SA 5001	13/10/2008	$1,650.00
Liberal Party of Australia (S.A. Division)	GPO Box 20 ADELAIDE SA 5001	6/05/2009	$75.00

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Donor Annual Returns 2009-10

Donor: Santos Ltd

Donations made to:

Name	Address	Date	Value
ALP-SA	141 Gilles Street ADELAIDE SA 5000	17-Jul-09	$600.00
ALP-SA	141 Gilles Street ADELAIDE SA 5000	5-Mar-10	$2,500.00
ALP-SA	141 Gilles Street ADELAIDE SA 5000	23-Apr-10	$1,250.00
LIB-SA	Sturt FEC 429 Magill Road ST MORRIS SA 5068	29-Sep-09	$550.00
LIB-SA	Sturt FEC PO Box 540 MAGILL SA 5072	23-Apr-10	$250.00
LIB-SA	Sturt FEC PO Box 540 MAGILL SA 5072	28-May-10	$240.00
LIB-SA	GPO Box 1232 ADELAIDE SA 5001	16-Mar-10	$300.00

Name	Address	Date	Value
LIB-SA	GPO Box 1232 ADELAIDE SA 5001	1-Mar-10	$300.00
LIB-SA	GPO Box 1232 ADELAIDE SA 5001	20-May-10	$1,100.00
LIB-SA	104 Greenhill Road UNLEY SA 5061	11-May-10	$1,100.00
LIB-SA	Boothby FEC PO Box 41 PARK HOLME SA 5043	27-May-10	$250.00
LIB-SA	Boothby FEC PO Box 41 PARK HOLME SA 5043	20-May-10	$250.00

Extracted from Australian Electoral Commission website

http://periodicdisclosures.aec.gov.au/Donor.aspx?SubmissionID=24&ClientID=626

Donor Annual Returns 20010-11

Donor: Santos Ltd

Donations made to:

Name	Address	Date	Value
ALP-SA	141 Gilles Street ADELAIDE SA 5000	16-Jul-10	$1,000.00
ALP-SA	141 Gilles Street ADELAIDE SA 5000	18-Aug-10	$2,750.00
ALP-SA	141 Gilles Street ADELAIDE SA 5000	27-Aug-10	$1,110.00
ALP-SA	141 Gilles Street ADELAIDE SA 5000	2-Sep-10	$750.00
ALP-SA	141 Gilles Street ADELAIDE SA 5000	6-Sep-10	$1,500.00
ALP-SA	141 Gilles Street ADELAIDE SA 5000	7-Jun-11	$500.00
ALP-SA	141 Gilles Street ADELAIDE SA 5000	8-Jun-11	$500.00
LIB-SA	104 Greenhill Rd UNLEY SA 5061	12-Aug-10	$150,000.00
LIB-SA	PO Box 257 TORRENSVILLE PLAZA SA 5031	1-Jul-10	$400.00
LIB-SA	PO Box 257 TORRENSVILLE PLAZA SA 5031	29-Jul-10	$2,500.00
LIB-SA	PO Box 626 GLENSIDE SA 5065	17-Aug-10	$300.00
LIB-SA	104 Greenhill Rd UNLEY SA 5061	30-Aug-10	$5,000.00
LIB-SA	GPO Box 20 ADELAIDE SA 5001	15-Sep-10	$1,800.00
LIB-SA	GPO Box 1232 ADELAIDE SA 5001	22-Nov-10	$1,650.00
LIB-SA	GPO Box 1232 ADELAIDE SA 5001	31-Mar-11	$2,200.00
LIB-SA	GPO Box 1232 ADELAIDE SA 5001	12-Apr-11	$2,500.00
LIB-SA	PO Box 540 MAGILL SA 5072	15-Apr-11	$250.00
LIB-SA	GPO Box 1232 ADELAIDE SA 5001	19-Apr-11	$4,400.00

Name	Address	Date	Value
LIB-SA	GPO Box 1232 ADELAIDE SA 5001	19-Apr-11	$550.00
LIB-SA	GPO Box 20 ADELAIDE SA 5001	17-May-11	$1,100.00
LIB-SA	PO Box 3086 NEWTON SA 5074	10-Jun-11	$1,500.00
LIB-SA	GPO Box 1232 ADELAIDE SA 5001	29-Jun-11	$165.00

Extracted from Australian Electoral Commission website

http://periodicdisclosures.aec.gov.au/Donor.aspx?SubmissionID=48&ClientID=626

The Hon. M. PARNELL: Thank you, Mr President, and I thank members, because you have saved me having to read out five pages of donations, many of which are very large. All of them, just about, are over the $1,000 mark, and together coming up with many tens of thousands. The table itself does not have the totals, but there are six pages of donations from Santos to the Liberal Party and the Labor Party.

I would like now to move on to the merits of the bill. At its most basic level, this bill is about a dispute between Aboriginal native title claimants, traditional owners, and mining companies over whether or not the Aboriginal people have the right to negotiate and the right to the provisions of the commonwealth Native Title Act. My understanding is that that is the main point in dispute and that the government's position is that it was never intended that what it regards as old licences and should somehow be re-enlivened and attract the provisions, including the right to negotiate. That, as I understand it, is the main purpose of this bill.

The government sees it as an administrative fix-up, but other people have not seen it in quite the same terms. In fact, I refer to the debate of just the other day in the House of Assembly, where I note that the member for Stuart (Mr van Holst Pellekaan) referred to some of the commentary around this bill, especially in relation to this idea that it is just an administrative fix-up.

Mr van Holst Pellekaan quoted an Arabunna native title chairperson, Aaron Stuart, and his criticism of the bill as it was reported in *The Transcontinental* newspaper in Port Augusta. According to the member for Stuart, who referenced that newspaper, Mr Aaron Stuart had called this bill 'administrative racism'. He went on to say that the Commissioner for Aboriginal Engagement, Khatija Thomas, said that she was dismayed at the introduction of this bill. He quotes her, presumably out of the same newspaper:

> This bill flies in the face of government rhetoric supporting the engagement of all South Australians, including traditional owners.

As I understand it, there was a recorded exchange between the Hon. Tom Koutsantonis and the member for Stuart in the *Hansard,* and maybe some exchange that was not recorded. However, I certainly know, having met up on another matter with the Hon. Tom Koutsantonis very shortly after this exchange, that he was somewhat upset at what he thought was an allegation against him that he was a racist.

I do not repeat private conversations in this place, other than my side of it, but I said, 'I don't think you're a racist, Tom. I don't think that at all. That's not a term that I throw around.' However, when I went back and read the *Hansard* that was not what the member for Stuart had said at all. He had referred to a third party who was describing the legislation rather than the minister. I am happy to put on the record again today that I do not think the Hon. Tom Koutsantonis is a racist, but I think there are serious problems with racial discrimination in relation to this bill.

In fact, other people have referred to it in similar terms: that it is racially discriminatory in that it applies to only one group of people, and that is Aboriginal people, and it does only one thing—it takes away from them something they either believe they have or are seeking the guidance of the judiciary to find out whether or not they in fact have it. It is not that hard to analyse this and say, well, if it is only affecting one group of people negatively and they are Aboriginal people, then I think there is a case to say that it is a racially discriminatory piece of legislation.

Another aspect of this bill that certainly concerns the Greens, and other people I have spoken to, is that it is retrospective. Clause 3 of the bill says that the main operative provision is to go back 12 years. It goes back to 25 September 2000. The argument, as I understand it, from the

government as to why it needs to be retrospective, is that it is essentially putting current provisions back where the government believed they always were, and that is, having that earlier status of petroleum tenements that do not attract the right to negotiate.

Before I go further on retrospectivity, one thing that I think is interesting in this is that the government's claim that the current licences are really just the same old licences, that they are not anything new is, as I understand it, one of the main points of contention. In fact, I would have thought that a licence or a tenement, or whatever it is for a limited term that is transformed into something that is open-ended and of unlimited duration, is a very different creature and should in fact attract what is now the current standard of behaviour for all those who participate in that industry.

I think that is part of the way that society regulates itself. I was thinking about what would be a good example to use. If you think of someone who has a restaurant and they might have had that restaurant for 50 years, they might want to claim in regard to the laws that prevent people smoking in that restaurant, 'They're retrospective. They're terrible; we never used to have to do that. You've changed the rules on us.' We used to be able to discriminate against women. We did not have to employ them; we did not have to serve them. Now the law has changed and it will not let us. It used to be that you were able to decide your own standards of hygiene for your restaurant. You cannot do that now.

The point is that, as society evolves, we do impose new and more onerous standards on existing operations. The question here is whether or not the oil and gas companies should be locked into what, in effect, I think is special protection that dates back more than a decade or whether, on the consolidation and renewal and extension of term of these licences, they should be brought into the 21st century and be made to comply with current standards, including standards of engagement of Aboriginal people. So I think the retrospectivity of this legislation is misplaced and I do not think the government has made the case for it being a valid measure of land.

In fact, I will give another example where we have passed legislation that has been retrospective, that is, the contaminated land situation. Back in the old days, if you wanted to get rid of your toxic waste, for example in an oil refinery, you would just get a backhoe, you would dig a pit and you would dump your toxic waste in it and that contaminated the land. We decided as a parliament that, when we passed legislation, we would call people to account for their behaviour. So retrospectivity does have useful purposes, but when retrospectivity is used to disenfranchise people, especially Aboriginal people for whom disenfranchisement has been the rule rather than the exception, then the Greens believe that it is just not on.

In relation to questions on the record, given that it is the government's intention, as I understand it, not to stop at the appropriate time—which is at the second reading—but to proceed, I tell the government now that I will have a large number of questions that relate to testing the government's claims that this bill is necessary, testing the government's claims that people have been consulted—or maybe they have not made that claim.

I will test whether they believe they have done any consultation, let alone whether it has been adequate. We will seek to test the constitutional validity, for example, test the appropriateness of imposing legislation for the purpose of affecting judicial proceedings, a whole range of issues. I am hoping that when we come back in October the debate will be about the detail of this legislation. As I said earlier, we have been taken by surprise. It is unorthodox, it is unusual and, the Greens say, it is unacceptable for us to be forced to debate the whole of the detail of this legislation today.

With those brief remarks I will end my second reading contribution. I look forward to the contribution from my colleague the Hon. Tammy Franks, who, as all members would know, has a particular interest in Aboriginal engagement issues and I would urge the council to heed her remarks as well.

The Hon. T.A. FRANKS (11:36): I rise to be the second speaker today on behalf of the Greens to speak to the Petroleum and Geothermal Energy (Transitional Licences) Amendment Bill. I do so noting that this bill has spent less than an hour and a half, in fact closer to 60 minutes, being debated in the House of Assembly, if you could call it a debate, and without the contribution of the Greens would have spent less than 25 minutes being debated in this place.

The Greens put on the record that we oppose this bill. We oppose the second reading of the bill. We oppose the process. We call the government to account on a very flawed process that has brought this piece of legislation before us. Less than 48 hours after the second reading debate

occurred in the other place, we have continued the second reading. I understand that the intention of the government is to finalise all stages of debate on the bill today.

The principle of the right to negotiation is fundamental to the bill and it is this process of government negotiation and consultation that is absolutely and seriously flawed. In introducing the bill, the minister, the member for West Torrens, stated that it had been drawn to the state's attention that there are potential unintended consequences arising from the transitional provisions of the Petroleum and Geothermal Energy Act that have led to the need for this particular bill, which he goes on to say that he took to cabinet in August of this year.

My questions for the minister representing the minister, which were certainly not answered in the other place, nor asked, are: who drew the state's attention to this unintended consequence? When was that drawn to the state's attention? In what time frame was the state able to give responses to the people who drew the state's attention to this particular issue? What options were considered with regard to the legislation before us? Were there other ways of addressing this issue? I would also like to ask when this bill received caucus approval, but I am not sure I will get an answer to that.

The state, we are told by the minister, has concerns that if these proposed amendments before us in the legislation we debate today are not made many petroleum production licences could be found to be flawed on the basis of the previously aforementioned unintended legislative effect. Can the government detail, before we commence the committee stage, which licences it has assessed are now potentially flawed, and what communications have been undertaken by government with those licence holders, including details of when, where and how those communications have occurred?

In presenting this legislation to the parliament, the government states that it has carefully weighed up the need to provide certainty to petroleum producers in the Cooper Basin—who the government say have continued to produce petroleum on renewed tenements in the belief that they have been properly issued—against the understandable desire of native title parties to participate in the economic benefits of petroleum production.

In introducing this bill, the government then goes on to say that it is confident that native title parties and petroleum producers will work together in a productive and positive manner to ensure mutually beneficial economic outcomes from petroleum production in this important part of the state. My question to the government is: what productive part has it played in ensuring that this situation will occur? Has it not, in fact, created more problems by the flawed process of this particular bill in eroding trust between parties and certainly eroding trust in government?

Criticism of this bill has, of course, come from both Aboriginal people and Aboriginal organisations, and I wish to draw members' attention to that. I echo the words of the member for Morphett, the shadow minister for Aboriginal Affairs, in addressing this bill in the other place. He said that there had been considerable angst amongst some of the Aboriginal citizens of South Australia. As the shadow minister for Aboriginal Affairs, he then went on to say that he was representing those concerns in the chamber.

He referred to the media release put out by Khatija Thomas and outlined some of the concerns that the Commissioner for Aboriginal Engagement raised directly in relation to this particular bill before us on 7 September 2012, shortly after it was introduced. Her news release, issued on that day, is headlined, 'Minister introduces bill to remove native title rights from Aboriginal people'. It goes on to say:

> A bill that seeks to remove native title rights from Aboriginal people has been introduced into South Australian parliament this week. The bill, entitled the Petroleum and Geothermal Energy (Transitional Licences) Amendment Bill 2012, was introduced by Tom Koutsantonis, Minister for Mineral Resources and Energy.
>
> Urgently introduced to parliament, without any notice to or consultation with Aboriginal people, the bill seeks to retrospectively remove the Right to Negotiate procedure from Aboriginal people in relation to petroleum production licences granted to petroleum producers in the Cooper Basin, including Santos Limited. In introducing the bill, the minister stated that the application of the Right to Negotiate procedure was an—

and she quotes him here—

> 'unintended consequence arising from transitional provisions', highlighting the 'need to provide certainty to petroleum producers in the Cooper Basin'. The Right to Negotiate procedure is an important right afforded to Aboriginal people pursuant to the Native Title Act 1993—

of course, of commonwealth law—

so that an agreement can be made between stakeholders and Aboriginal people on important issues, including protecting cultural heritage and providing consent for activities that affect native title. The bill is intended to cover licences that did not comply with the Right to Negotiate procedure and may be invalid.

Khatija Thomas goes on to say that she is dismayed at the introduction of this bill and that:

'This bill flies in the face of government rhetoric supporting the engagement of all South Australians including traditional owners.'

I repeat: this is from the Commissioner for Aboriginal Engagement. She continues:

'First, the process adopted by the government to introduce the bill without notice to Aboriginal people is contrary to international law requiring that only free, prior and informed consent be given by Aboriginal people for decisions such as the one to remove a native title right. Second, the bill undermines our democratic processes.'

Commissioner Thomas also stated that the bill demonstrated the government's willingness to side with big business no matter what the consequence.

She is joined in her criticism in this particular press release by Keith Thomas, the South Australian Native Title Services Ltd chief executive officer, who says he is appalled at the decision to introduce the bill. These are not light words and these are not lightweight people in terms of the Aboriginal voice being heard in this debate. He goes on to say:

We encourage all stakeholders to reach agreements to properly manage native title rights and interests, and this Bill is an unfortunate attempt by the Government to meddle with our efforts to build sustainable relationships. Such agreements are a result of a legal right to negotiate in good faith providing certainty for all parties, and can result in benefits that help foster community development. This Bill attempts to remove that right.

Mr Thomas goes on to say that the impact of this bill should not be underestimated. He appears to believe that this is not an inconsequential bill that we are debating before us, and certainly I would say that it is not a bill we should have been rushing through the parliament without proper briefings, without proper consultation and without proper information. He concludes:

Without agreement, risks to native title interests and cultural heritage will remain unchecked. We are concerned about the message this sends to Aboriginal People.

Of course, members would have similarly heard from the South Australian Native Title Services (SANTS) in several emails from Mr Michael Pagsanjan, a legal officer there. Certainly alarm bells were raised with the receipt of the first email on 4 September from SANTS which states:

We write to urgently express our serious concerns with the *Petroleum and Geothermal Energy (Transitional Licences) Amendment Bill 2012*...The...minister Tom Koutsantonis has today given notice to the House of Assembly that he will introduce the Proposed Bill tomorrow. In short, our concerns relate to the Proposed Bill's impact on native title rights in South Australia.

He goes on to give background:

...SANTS is the Native Title Services Provider for South Australia pursuant to the *Native Title Act 1993*...SANTS currently acts for a number of native title parties, including the Yandruwandha Yawarrawarrka Native Title Claimants (the YY Traditional Owners) in the Cooper Basin, in the State's far north-east.

The YY Traditional Owners are currently attempting to prosecute their native title claim, and, seek a declaration in the Federal Court in relation to certain Petroleum Licences granted to (amongst other parties) Santos Ltd by the State of South Australia. In short, the latter proceedings relate to Petroleum Licences granted under South Australian legislation as they relate to right and interests under the NT Act. If the YY Traditional Owners are right, we say that Petroleum Licences should have been subject to the Right to Negotiate procedure under the NT Act (there is no dispute that Petroleum Licences were granted without complying with that procedure). Those proceedings commenced in March 2012 after years of unsuccessful attempts to engage Respondent parties to address the issues with those Petroleum Licences without litigation. His Honour, Justice Mansfield, has listed the matter for hearing on 8 October 2012, and several pleadings have been filed in preparation for that hearing.

The email goes on:

Nature of our concern

We were advised by a Manager within the Department for Manufacturing, Innovation, Trade, Resources and Energy of the Proposed Bill this afternoon. We were otherwise unaware of the Proposed Bill.

The email continues:

It is apparent that the Proposed Bill seeks to actively undermine the rights and interests of the YY Traditional Owners by retrospectively addressing the issues to be heard and now resolved in the Federal Court. While we reserve our right to formally comment and be consulted on the Proposed Bill, and do not concede that the Proposed Bill will sufficiently address the legal issues, our preliminary concerns are three-fold. First, it is our preliminary view that this Bill will impact the current litigation that is ultimately seeking to protect and promote the rights and interests of the YY Traditional Owners in accordance with the NT Act. Second, we consider that the introduction of the Proposed Bill without sufficient notice to SANTS or the YY Traditional Owners raises issues

around the fair conduct and proper management of the litigation currently on foot. Third, we are of the opinion that the Proposed Bill raises some extremely technical legal issues that ought to be properly addressed to ensure the validity of any amendments to the State's Petroleum legislation, which will impact whether or not rights under the [Native Title] Act will be afforded to Traditional Owners in South Australia.

For these reasons, we do not consider that it is appropriate to introduce the Proposed Bill at this stage, without sufficient notice or consultation with [the South Australian Native Title Services] or the YY Traditional Owners.

Mr Pagsanjan goes on to provide contact information, should there be any queries from members of parliament. I note that not only had the minister or the government not contacted the South Australian Native Title Services before the introduction of this particular bill to consult and ensure that the democratic process was being followed, but when they did find out, it was simply through a department official who informed them that the bill had already been given notice of. There was no chance for any input into this bill and, certainly, the lack of respect does not bode well for the content of this bill having been well thought through.

I will go on to say that I have also spoke to various other groups, such as the Aboriginal Legal Rights Movement, who are getting back to me to confirm this, but it is my understanding that they were not contacted with regards to this bill. I have also confirmed with the Commissioner for Aboriginal Engagement, Ms Khatija Thomas, that she was not contacted regarding this particular bill before it hit this parliament.

If Ms Thomas, SANTS and ALRM have not been contacted, my question is: were any Aboriginal people actually contacted prior to the drafting and introduction of this bill at all? Is this a government that really does believe that it is moving from a 'decide and defend' model to a more consultative approach? How can they go out and say with a straight face that they actually have any respect for democracy if they can table a bill like this without talking to the most obvious stakeholders in this particular debate?

I would not say that the government has to agree with all stakeholders with which it consults, but it does have a duty of care in presenting legislation to this place to ensure that stakeholders who are appropriately part of a debate have actually been consulted prior to moving such legislation. The need to make sure that we are handling native title and native heritage issues properly is incredibly important.

The shadow minister for Aboriginal affairs drew attention to this in the other place. He raised what I think is quite a pertinent issue for this debate when he noted that an exploration venture in the northern part of South Australia had been blocked by a court ruling in favour of the land's traditional owners.

Argonaut Resources, and its joint venture partner, Straits Resources, had been planning to start drilling for copper, gold and iron oxide in parts of Lake Torrens and Andamooka Island. Those companies had actually been given ministerial approval, I understand, to access this area, which, of course, is part of the traditional lands of the Kokatha Wati and Adnyamathanha people. But the South Australian Supreme Court overturned that approval, ruling that the 'traditional owners were denied procedural fairness in not being properly consulted'.

That was reported in the *Koori Mail* earlier this year. I understand that, as a result, on 25 January, the shadow minister for Aboriginal Affairs wrote to the Minister for Aboriginal Affairs and Reconciliation, and he asked that minister:

Can you let me know what the government plan is to resolve this matter, and if there are indeed any amendments to the Aboriginal Heritage Act being investigated?

In a letter dated 9 March 2012, minister Caica replied to the shadow minister:

Dear Duncan,

Thank you for your recent letter regarding media comments about the ruling by the Supreme Court in the matter of Starkey and Ors v the State of South Australia...

I am aware that both prior to and since these court matters, Aboriginal groups have met and negotiated with mining companies (and other proponents) on questions of land access and heritage protection. This approach of resolving matters through negotiation is consistent with the government's policy in the native title area and is likely to be reflected in the new Aboriginal heritage legislation which is being tabled in parliament following the completion of the current review.

That brings me to the current review of the Aboriginal Heritage Act. I say 'current' facetiously. Perhaps it is in line with the minister's definition of over 140 days being 'soon'—a different minister, of course, but perhaps that is indicative of the government's time frame on these things. We have

not yet seen a final bill from the review of the Aboriginal Heritage Act, despite assurances being made both in the corridors of this place in this year and the announcement by the Governor, after the proroguing and reopening of this parliament, that, in fact:

> South Australia's natural resources belong to all South Australians, and every person in this state should share in the prosperity they will bring—now, and into the future. This needs a new approach.
>
> To this end, the government will establish a bipartisan committee to explore the potential for a Future Fund, to ensure that the benefits of a mining boom are shared amongst all South Australians for generations to come.
>
> The development of our mining sector also involves particular obligations to the descendants of the first South Australians.
>
> The government will therefore introduce new legislation to replace the Aboriginal Heritage Act. This will put Aboriginal people at the forefront of decisions about their own cultural heritage, and will give to both the Aboriginal peoples and the mining developers simpler processes and greater certainty.
>
> Around the middle of last century, manufacturing joined agriculture and mining as an intrinsic element of our State's prosperity.

These words were delivered by this government as a sign, apparently, that they had changed their ways from those aforementioned 'decide and defend' models.

I will note that the Aboriginal Heritage Act 1988 has been under review for many years and, in fact, originally, submissions closed on 31 October 2009 for the review of this particular act. So, in announcing that in this year we will finally see a bill to review the current Aboriginal Heritage Act, certainly, I did not think the government was going too far out on a limb, but I will note that we have yet to see a bill that outlines proposed reforms to the Aboriginal Heritage Act.

Yet, by 2009, the government has had submissions made by state government agencies, local governments, Aboriginal organisations, non-government organisations, individuals and also other parties, and it had also conducted quite an extensive process of consultation in person across metropolitan, rural and regional, and remote South Australia.

Of course, if one wants to get a copy of those submissions, they are not easily available on the current website. One has to actually email the department, the Aboriginal Affairs and Reconciliation Division, and I am pleased that when I first started in this place I downloaded those submissions, having thought that that might be a government priority. Having been reassured earlier in the term of this Weatherill incarnation of a Labor government that we are to see a review of the Aboriginal Heritage Act, I am starting to wonder, given the lack of sitting days left before the end of the year, whether that promise will be another broken promise of this government.

What I do draw attention to, though, is the extensive process that has been going on over many years of reviewing the Aboriginal Heritage Act. One imagines that some of these issues have been raised through that process and, certainly, Aboriginal voices have been involved in that process, and one would have thought that those voices would have received more respect in terms of a timelier bill before this place than the current bill we see today that has been rushed before this place on behalf of non-Aboriginal people's interests.

The member for Stuart raised concerns because his constituents in his local electorate had raised concerns with him about this bill. Those concerns were put, I believe, very respectfully to this parliament, but I certainly would say that the minister did not treat those concerns with the respect they deserved. The member for Stuart was simply representing his constituency, and he had a very angry response from some in his constituency, which was, of course, outlined in *The Transcontinental* newspaper in the member for Stuart's local electorate. It comes out once a week, on Wednesday.

The newspaper notes the honourable member in discussion in the other place where he said that 'a local Arabunna native title chairperson Aaron Stuart criticised the bill'. He there called it 'blue ribbon administrative racism'. I would note that the chairperson, Aaron Stuart, called the bill blue ribbon administrative racism, not the minister. Certainly, at this point, given the lack of consultation, the lack of respect to Aboriginal voices, I am happy also to say that this bill is probably blue ribbon administrative racism—or, given that it is Labor government, red ribbon administrative racism.

I am as dismayed as the Commissioner for Aboriginal Engagement with the process that has brought this bill before us. With respect to that page 4 *Transcontinental* article of 12 September, I also note the irony noted yesterday by the shadow attorney-general when he said that, directly underneath the article titled 'Bill is administrative racism', there is a government of

South Australia public notice titled 'Time for Respect', which outlines that the South Australian government has made a commitment to formally recognise Aboriginal peoples as the first people of South Australia by asking the parliament to amend the South Australian constitution.

An advisory panel has been established by the government to seek the views of the South Australian community, particularly the Aboriginal community, on the wording and form which a statement of recognition in the state's constitution should take. It outlines that the members of the advisory panel will be 'visiting your area to hear your views', and it gives a date of 17 September in Port Augusta, firstly in the Cooinda Hall and also in the Standpipe Motel's chapel room, and it finishes on both those occasions with 'all welcome'.

You can also express your views in writing by 15 September or visit the website, timeforrespect.org.au. An email address and a free phone number are given and there is a website. This is a very different approach but the hypocrisy cannot go unremarked upon. The government in this case is going forth—and I believe commendably—looking at including recognition of the first peoples of this state in our constitution, and can do so in an orderly and properly democratically constituted way where people are duly informed that, in fact, there is an issue being considered by this government and given the chance to voice their opinions on that issue before we see legislation in this place.

I note that in the other place there were several speakers from the opposition benches on this bill, and, almost without exception, they noted that this chamber would probably be seeking more information on this bill. They did not blindly accept the government's assurances that it had no unforeseen consequences, and they did, I guess, with the words of support for the passage of this bill in that chamber, note that it would be in this place that we would see the real debate.

I urge members of the opposition in this place to ensure that we do scrutinise this bill, and that the questions that were asked in the other place that were, in fact, I note, unanswered by the minister in that place, are answered by the minister representing the minister here today.

I note that in speaking to this bill members noted that all parties had assumed for the past 10 years (since the Petroleum and Geothermal Energy Act was enacted) that licences created under early legislation could be renewed without the right to negotiate applying, and it was thought that the specific part of the Native Title Act that allows for such renewals applied. The government has now put before the parliament a bill that seeks to clarify that it did not intend the grant renewal or consolidation of those licences created under earlier legislation or agreements to be subject to the right to negotiate.

The past 10 years is a long time to have assumed; there is obviously a point at which, in the words of the minister in the other place, the state became aware. At what point did the state become aware that, in fact, these issues regarding the right to negotiate were of concern, at least to some parties involved in these processes? Without that information I am not sure that we can accept the words that this is simply a misstep, as was quoted many a time in response to this bill by the minister.

This chamber needs to know why the rush. Why are we rushing this bill through in a matter of days of parliamentary sitting rather than it being given due and proper consideration? Why were Aboriginal groups not spoken to and informed that this bill was coming? What reasonable expectation does the government have that the first peoples of this state will trust the government in other areas if it puts forward a bill like this here today and ride roughshod over the voices of constituents who have every right to have been involved in every step of this debate?

I will leave some concluding remarks to the words of Keith Thomas who said, with regard to this bill and reported on ABC radio on 10 September in an ABC story put together by Nicola Gage, the following:

> They haven't gone through the proper process. They've left the negotiation with Aboriginal people out of that process and they've granted the petroleum producers licences. So [what] they want to do now is introduce a bill which retrospectively will ensure that the petroleum sector has those licences.

He goes on to say:

> It's certainly a dangerous precedent and its not one that we'd like to see repeated in the future. As I said, it sends a poor message to Aboriginal people that, you know, you might have your rights and interests but the government of the day can change that by introducing legislation.

I note the words of my honourable colleague Mark Parnell that usually the government waits until it loses a court case before it then goes and changes the legislation. While one might jokingly think

that perhaps it is just saving time here, in line with that old adage that 'It's better to hate someone on sight because it just saves time', I would hope that the Weatherill government has seen the error of the previous government's way in refusing to negotiate and refusing to consult.

It is certainly not the way any government in Australia should be run—where the voices of those most affected by the decisions this government makes are not only not listened to and heard but are not even considered to be important enough to be asked to have a say. Mr Thomas does have some faith in the government. He concludes by stating:

> It just seems out of character in this instance because we have a good working relationship with the Government and then to do something like this really flies in the face of, you know, the things we've been talking about between each other and how we've been working together to resolve Native Title in South Australia.

The advertisement in *The Transcontinental* newspaper highlights those two different approaches. In one there is a long, considered process where Aboriginal people's voices are being heard; in the other there is a short-term, ill-considered process where this parliament is expected to debate—within a couple of hours and without all groups having been consulted before legislation comes before us—a bill that we do not know all the consequences of, that we cannot possibly know because we have not had the answers from this government and we have not allowed all of the voices to be heard.

With that, I will have questions in the committee stage, and I certainly reiterate that the Greens will be opposing the second reading of this bill. This process has been flawed. This flies in the face of true reconciliation in this state, and I would hope that we will not be seeing such a situation again under the Weatherill government.

The Hon. K.L. VINCENT (12:10): I wish to place on the record my very vehement opposition not necessarily to this bill in and of itself but to the way in which it is being handled by this parliament. Of course, we all know that this bill has only been on our *Notice Paper* for two and a bit days. Members also know, of course, that it is parliamentary protocol that bills remain on the *Notice Paper* for at least one sitting week before going to the vote so that we have ample opportunity to contact relevant stakeholders and constituents on issues relating to the legislation and to give them the opportunity to contact us with their concerns. Such communication is, as I am sure no-one would disagree, the linchpin of good legislative development.

I am the last person to defend the existence of protocol for the sake of protocol, and I am sure that our dear Clerk, more than anyone else in this chamber, would be able to testify to my frequent frustration at many of the traditions of this particular place. However, to put it simply, to give us ample time to do our jobs properly is something that makes a lot of sense to me and it is something that, over the course of this speech, I intend to defend as passionately as possible.

It was only yesterday afternoon during my lunch break that I received a briefing from ministerial staff on this bill, and at that time I believed it would be going through the committee stage on that very same day. As it is, I have not had the chance to obtain a briefing from South Australian Native Title Services, a key stakeholder on this issue and, because of this, frankly I do not feel that I am qualified to make the right decision at this point. I do not feel that I have had enough time to get as much information as I should like or that I need, and I also do not feel that I have had enough time to properly absorb that information.

Not only is rushing through this piece of legislation unparliamentary, it is, I think, in direct conflict with one of the major aims of the current Weatherill government. When this government first came into shape, we were told that the days of 'announce and defend' were gone and that they would be replaced with a new 'consult, collaborate and decide' approach. I am fearful, however, that the rapid passage of this bill will be yet another example that this strategy is nothing more than a mirage or, worse still, perhaps this strategy is a bit like my gym membership: I have it and people know that I have it, and those two things make me feel very warm and fuzzy from time to time, but if you are expecting me to actually use it you are probably going to be disappointed.

It is vital at this point that I draw members' attention to the fact that this is not the first time, in my opinion, that this Labor government has attempted to sneak legislation through in this manner, and it would be very remiss of me not to highlight my disappointment at the defeatist attitude the Liberal Party has shown on this issue. I think it is fair to say that we can usually depend on the opposition to assist us in halting the passage of legislation with this undue haste.

I am disappointed, to say the least, to see them let us down as a chamber and as a state in this regard on this occasion, particularly as it is an opportunity for the party to prove to South Australians that it would be unwilling to accept such behaviour should it come into government. Of

course, I hasten to add that I know that not every member of the Liberal Party is content with these particular proceedings, but the party machine has spoken and members opposite must act accordingly. While this is something that frustrates me greatly, it is something that I am forced to respect. Of course, nothing is black and white. There are situations in which the rapid passage of legislation may be necessary to prevent significant risk to public health and safety, and these are situations in which I am likely to be willing to allow a breach of protocol without a fuss.

Sorry, I find myself a bit out of sorts physically today and it is making the delivery of the speech quite difficult, which is frustrating because it is a very important one. I am sure Hansard, however, is benefiting no end from my speaking at a much slower pace than usual, so to that end I am happy to proceed, but I just ask for the patience of the council.

I believe that out of respect for the institution of parliament and the people it represents, those situations should be far and few between and I am completely unconvinced that this is one of them. Now I feel it is relevant for me to point out that it is not only contempt of parliamentary process that members are showing by allowing the hasty passage of this bill today. The fact that this legislation will likely pass before a decision is handed down on a court matter, which is directly relevant to this particular piece of legislation, shows, in my opinion, blatant disregard for the vital harmony between the parliamentary and judicial processes.

We are directly interrupting a process in one institution to alter the outcome in another. Why is it that we are doing this? Let us be perfectly honest about that. The government wishes to pass this legislation to avoid an outcome in court which would be embarrassing and undesirable for it. The minister's representatives told me as much when I met with them yesterday afternoon. In other words, this is the government putting its own ego and its wish to save its own backside ahead of performing its duties for the people of this state. I do not believe that those people expect me to simply accept this and so I will not.

There is no doubt in my mind that government members in this chamber today will tell me, as the ministerial representatives did yesterday, that the speedy passage of this legislation is also about avoiding a dip in industry confidence. Yes, to an extent it is possible that this confidence may alter should this legislation not pass quickly, but I feel that there is an argument to be made that the way to instil further confidence of industry into government is that government be open, accountable and upfront with concerned industry members.

Why not just tell them, 'Yes, this may make matters a bit tricky for a while but at least it will provide for long-term stability and consistency in the way in which we approach these issues in the future to avoid getting into this mess again'? I feel this is particularly relevant given that the very reason this bill is before us at this very moment is an historical oversight. I feel that it should act as a warning, if not an irrefutable reason, for us to take time with this legislation. I am fearful that rushing it through will only lead to further oversights and that we will soon be back here again debating it anew.

I suspect that the best way to instil industry confidence is to show that we do our job well, rather than simply being motivated by the idea that industries are watching so we had better look busy. Besides, slumps in industry, consumer and voter confidence are never completely avoidable. Changes to legislation, tax or the state or country's financial situation are all things that can influence this and it is a duty of government to manage this and to show leadership to demonstrate its own confidence. Instead, this government has chosen to put its fears about the possible temporary upset of a relatively small number of people above demonstrating to an entire state that it is going to do the job it was elected to do with the confidence, maturity, dignity and respect that I think the people of this state have the right to expect.

I feel that by allowing the unnecessarily hasty passage of this bill the government has done much more than just ignore this responsibility. Quite frankly, I feel that it has stuck its middle finger up at all the people to whom this responsibility is still important.

As stated earlier, I do not necessarily have direct qualms about the content of the bill itself; I simply feel that I have not had time to ensure that I am completely across the true ramifications of this bill, and, because of that, I feel most uneasy about its passage. I feel that I have been unable to do my job properly and that I have let the people of this state down badly, although, of course, it was not by my choice.

There is little use going into the bill in any detail since the numbers suggest that it will pass quickly and unamended; however, I would like to briefly flag my discomfort with the retrospective nature of the legislation. Unless I am much mistaken, I have already put on record in this place my

general philosophical opposition to retrospective legislation as a whole. This is an opposition which I think many, if not most, legal practitioners share.

I cannot help but think of the popular film franchise, *Back to the Future*. The Attorney-General has fashioned this parliament into a time machine so that he and the Minister for Mineral Resources can go back to 2000 and try to correct their past mistakes. The whole process has been such a complete mess that one can only assume that, like Doc Brown, the Attorney-General must have dreamt up this whole endeavour after slipping and bumping his head on the toilet. The cynic in me wonders whether in the face of so many other disappointments in their mining-fuelled plans for the future they hope that this harebrained scheme will secure them a place in a possible sequel, where this government travels to 2015.

There may well be situations in which I am comfortable with retrospectivity in legislation, and I think the Hon. Mr Parnell has pointed out a few situations where this may well be the case. In any event, it is a conversation I am very willing to have. Unfortunately, it is not one I have had the opportunity to have on this occasion, and so the retrospective nature of the bill still makes me very uncomfortable indeed.

I am willing to debate this bill, but I am willing to do it in the appropriate manner and at the appropriate time. That is categorically not now. I will watch this bill pass in its current form, but I want it known that doing so makes me feel very embarrassed and angry and that at least I did not do so without a fight.

At worst, the passage of this bill this week is unparliamentary, disrespectful and irresponsible. At best, it is perhaps a golden opportunity for the government to truly and honestly reflect on what kind of government it wishes to be now and in the future, and perhaps moreover it is an opportunity for the people of this state to make very clear what it is they will and will not accept from the government.

The Hon. I.K. HUNTER (Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (12:24): I would like to thank the honourable members who have contributed to this debate and also indicate my thanks to the opposition for its indication of support for this legislation. I should say that I of course respect the different positions that have been taken by the speakers in this chamber, but I have to respectfully disagree with some of their more colourful claims.

In response to the question about why we are putting this bill through to the chamber today, I have to say that there is no contempt of parliamentary process involved in this. As the Hon. Mr Parnell noted, there are very good reasons at times for parliament to make haste on legislation and stipulated the one that he thinks is most appropriate, and that was—and I am quoting him when I say—'a genuine correction of an error'. That is what we are seeking to do today.

In response to questions raised by the Hon. Tammy Franks in her second reading speech, can I just add that the attention of the government was drawn to this issue by SANTS in July 2011. I understand they raised complex factual and legal issues which had to be investigated and counsel advice was sought. I am advised that over 200 transitional licences may be affected by the provisions in this bill.

I am also advised that the bill is not removing native title rights. Renewals of pre-existing licences do not have to be subject to the right to negotiate and the bill clarifies this. It would be unusual for South Australian licences to be subject to the right to negotiate for renewals when other states' renewals are not subject to this requirement, I am advised. I commend the bill to the house.

The council divided on the second reading:

AYES (16)

Bressington, A.	Brokenshire, R.L.	Darley, J.A.
Dawkins, J.S.L.	Finnigan, B.V.	Gazzola, J.M.
Hood, D.G.E.	Hunter, I.K. (teller)	Kandelaars, G.A.
Lee, J.S.	Lensink, J.M.A.	Ridgway, D.W.
Stephens, T.J.	Wade, S.G.	Wortley, R.P.
Zollo, C.		

NOES (3)

Franks, T.A.	Parnell, M. (teller)	Vincent, K.L.

Majority of 13 for the ayes.

Second reading thus carried.

In committee.

Clause 1.

The Hon. M. PARNELL: I move:

That progress be reported.

I made it very clear in my second reading contribution, as did the Hon. Tammy Franks and the Hon. Kelly Vincent, that we are not comfortable will this bill being proceeded with at such haste. We do not believe that the proper process has been followed, as the three of us set out in our second reading contributions.

The committee divided on the motion:

AYES (3)

Franks, T.A.	Parnell, M. (teller)	Vincent, K.L.

NOES (16)

Brokenshire, R.L.	Darley, J.A.	Dawkins, J.S.L.
Finnigan, B.V.	Gazzola, J.M.	Hood, D.G.E.
Hunter, I.K. (teller)	Kandelaars, G.A.	Lee, J.S.
Lensink, J.M.A.	Lucas, R.I.	Ridgway, D.W.
Stephens, T.J.	Wade, S.G.	Wortley, R.P.
Zollo, C.		

Majority of 13 for the Noes.

Motion thus negatived.

The Hon. T.A. FRANKS: Unsurprisingly, I ask again, as I did in my second reading speech: which Aboriginal groups or individuals were consulted prior to this bill being drafted?

The Hon. I.K. HUNTER: My advice is that a briefing was offered to SANTS but the offer was declined.

The Hon. T.A. FRANKS: I clarify that my question was: prior to this bill being drafted. The offer to SANTS for a briefing was made after notice of motion was given to this parliament that this bill was, in fact, being presented. Are you telling me that the bill had not been drafted at that point? Is that the case?

The Hon. I.K. HUNTER: My advice is that there was nothing prior to the bill being drafted to consult on. My advice is the matter went to cabinet on one day and was raised with SANTS the following day.

The Hon. T.A. FRANKS: I draw the minister's attention to the fact that, in presenting this bill in the House of Assembly, the Minister for Mineral Resources and Energy noted that the bill went to cabinet in August. Can the minister now clarify on what date SANTS was offered a briefing?

The Hon. I.K. HUNTER: I think I just clarified the point that it was offered a briefing, I understand, the day after it went to cabinet.

The Hon. S.G. WADE: Could the minister clarify that? I thought his original answer was notice was given the day after it went to cabinet. Could I suggest that the government might consider its time frame and give us a considered position in terms of when it went to cabinet, when notice was given, when it was tabled and when the SANTS briefing was offered?

The Hon. I.K. HUNTER: Whilst my advisers are seeking some answers to that question, it may help if I could ask the Hon. Mr Wade whether he has a copy of the email we provided to him which has those dates on it? That email would assist my advisers. Apparently he has taken the only copy—apparently.

To the best of my knowledge, I am advised that a discussion with SANTS occurred on 4 September, and the offer of a briefing was declined subsequently.

The Hon. T.A. FRANKS: I repeat my original question. In your response with regard to answers you gave in the second reading summary, you noted that, in fact, the state had been made aware of this issue by SANTS in 2011. I am going to assume that that was possibly on 28 July 2011, when I understand that Andrew Beckworth wrote to the responsible official within the Department of Primary Industries and Resources—the predecessor agency to DMITRE—asserting that the grant of petroleum production licences PPL 228, PPL 232 and PPL 237 should have conformed with the requirements of part 2, division 3, subdivision P of the Native Title Act 1993 of the commonwealth.

He noted in that letter that these requirements were not observed, and Mr Beckworth concluded that the petroleum production licences PPL 228, PPL 232 and PPL 237 were invalid by reason of section 28(1) of the Native Title Act 1993. That was, I note again and underscore, correspondence from SANTS to this government. My question was: when did the government consult any Aboriginal organisation—but on this particular occasion the South Australian Native Title Services—with regard to this bill before us now prior to notice of motion being given that this bill was to be introduced into this parliament?

The Hon. I.K. HUNTER: My advice has not changed; it is that SANTS was advised on the same day as the bill was tabled.

The Hon. S.G. WADE: I take the opportunity to reiterate a question which was asked by the shadow minister for Aboriginal affairs, the member for Morphett, in another place—it was not answered by the minister in that place—and which encompassed negotiations and discussions post the tabling of the bill. What negotiations and discussions might the government have had with Aboriginal groups and the Commissioner for Aboriginal Engagement to put their minds at rest that this is not going to be a piece of legislation where we see, once again (as we have seen in the distant past), Aboriginal people being given no consideration?

The Hon. I.K. HUNTER: Again, my advice is that the offer of a briefing to SANTS was given and it was declined.

The Hon. S.G. WADE: And there was no invitation for consultation with any other Aboriginal stakeholder, including the Commissioner for Aboriginal Engagement?

The Hon. I.K. HUNTER: Not from the knowledge that I have at hand.

The Hon. T.A. FRANKS: Why did the government not respond to the correspondence of SANTS dated 28 July 2011 (and its follow-up correspondence, I understand, on several occasions between 28 July and February 2012), where it requested that the legal representatives of the state of South Australia provide an indication of progress in responding to the issue raised in that letter of 28 July 2011?

The Hon. I.K. HUNTER: As I am advised, I do not have all the dates of emails but a number of emails went between the Crown Solicitor's Office and SANTS to advise them of factual issues and that counsel's opinion would need to be sought on various matters.

The Hon. T.A. FRANKS: That leads me to my next question which is: on 7 September, after the bill was introduced into this parliament, SANTS received correspondence from the Crown Solicitor's Office advising that its application should be discontinued. When were instructions given to the Crown Solicitor to pursue that course of action?

The Hon. I.K. HUNTER: My advice is that once cabinet decided to proceed, it was decided to allow the parties an opportunity to consider their position in proceedings and by advising them of how the government was determined to proceed.

The Hon. T.A. FRANKS: Just to clarify: was that cabinet decision made in August?

The Hon. I.K. HUNTER: I understand that the cabinet process commenced in August but ended up being on the cabinet agenda for the meeting of 3 September. That is my advice.

The Hon. T.A. FRANKS: The minister indicated that over 200 transitional licences will be affected by this bill. Will the minister name those licences?

The Hon. I.K. HUNTER: I said 'possibly affected', and no, I cannot, at this stage.

The Hon. T.A. FRANKS: So the minister does not have that information to hand.

The Hon. I.K. HUNTER: No, I do not.

The Hon. T.A. FRANKS: Will the government be providing that information to this committee?

The Hon. I.K. HUNTER: I will check and come back to the honourable member.

The Hon. M. PARNELL: The only answer I think the minister gave at the conclusion of the second reading stage of this bill was in relation to the question: when did the government first become aware of the potential problem? I will just get the minister to clarify that I heard his answer correctly, because of course we do have a difficulty here that two of the key stakeholders' acronyms are very similar. We have SANTS and Santos. I think the minister's answer was that it was SANTS (South Australian Native Title Services) and July 2011 was the first the government became aware that there was a potential legal problem in relation to statutory interpretation. Is that correct?

The Hon. I.K. HUNTER: My advice is that that is the date when SANTS wrote to the department raising the issues.

The Hon. M. PARNELL: What does the minister say to the information that I have that there is a string of emails and letters going back to 2010 between SANTS and DMITRE dealing with this very issue? Is the information incorrect? Is there no chain of correspondence, phone calls, emails dealing with this issue that goes back at least a year before the government's nominated date?

The Hon. I.K. HUNTER: My advice is that the honourable member is only partially correct. In fact, the correspondence chain he refers to is not on this specific issue. My advice is that a general letter was sent in October 2010 requesting information. There was subsequently communication between the offices asking for provision of certain factual information. Certain spreadsheets were supplied, I am told, regarding matters relating to the pre 2000 act licences, but they were of a general nature and certainly not in the context we are dealing with now, is my advice, in those earlier pieces of communication.

The Hon. S.G. WADE: Could I just clarify the minister's comments? When he said it was not on this specific issue, is he suggesting that it was not on the issue of Santos licences or it was not on the issue of the correct interpretation of the Petroleum Act 2000?

The Hon. I.K. HUNTER: My advice is it was on the latter.

The Hon. S.G. WADE: So the correspondence was about the correct interpretation of the 2000 act? Perhaps the minister might choose to use a sentence to communicate; it might provide more clarity to the committee.

The Hon. I.K. HUNTER: I understand that the detail of the concerns were raised in correspondence to us in July 2011, but the previous correspondence was preparatory, it went to issues of licences and when they were granted, rather than on the application of transitional provisions.

The Hon. T.A. FRANKS: Why did the government never produce a response to the correspondence of 28 July 2011?

The Hon. I.K. HUNTER: My advice is that on receiving that correspondence the department had to do factual and legal analysis and had to seek advice from counsel, which of course takes a considerable amount of time.

The Hon. T.A. FRANKS: Why, between July 2011 and August 2012, was that advice and that process not able to be undertaken to ensure that that correspondence was responded to in what was, in fact, 13 months?

The Hon. I.K. HUNTER: My advice is that during that period the honourable member mentions proceedings were instituted, I believe in March, so subsequent responses, I suppose, in many ways were driven by that fact.

The CHAIR: I ask honourable members to keep their questions now to the effects that the clauses of the bill would have on people, rather than keeping to questions of correspondence. If they have criticism of the government for not corresponding or for not consulting they should have done so in their second reading contributions.

The Hon. T.A. FRANKS: One did so in one's second reading contribution and one did not get answers.

The CHAIR: Well, that is alright. We are not going to continue on with the consulting, back and forwards information, we are going to get to the nitty-gritty of the clauses in the bill. I am quite happy to take questions on any effect the clauses of the bill will have on individuals, otherwise I intend to put the clauses.

The Hon. T.A. FRANKS: Then can we have an answer to the 200 or so (somewhere about that number) transitional licences that will be affected by this bill?

The CHAIR: Ask questions about the clauses in the bill, but correspondence has no effect on—

The Hon. S.G. Wade interjecting:

The CHAIR: I certainly do not need the help of the Hon. Mr Wade. Question?

The Hon. T.A. FRANKS: I have asked this three times now: what are—

The CHAIR: The minister has answered it three times, I would imagine. I intend to put that clause 1 stand as printed.

The Hon. M. PARNELL: Mr Chairman, I have had one question on clause 1 and I would like to ask more questions of the minister and his advisers.

The CHAIR: Okay. I think we will break for lunch.

Progress reported; committee to sit again.

[Sitting suspended from 13:01 to 14:15]

STATUTES AMENDMENT AND REPEAL (BUDGET 2012) BILL

The Hon. I.K. HUNTER (Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (14:18): I have to report that the managers have been to the conference on the bill, which was managed on behalf of the House of Assembly by the Treasurer (Hon. J.J. Snelling), the Minister for Finance (Hon. M.F. O'Brien), the Minister for Police (Hon. Jennifer Rankine), Ms Chapman and the Hon. I.F. Evans. They there received from the managers on behalf of the House of Assembly the bill and the following resolution adopted by that house that the disagreement to amendment No. 2 of the Legislative Council be insisted on. Thereupon the managers of the two houses conferred together but no agreement was reached.

The PRESIDENT: As no recommendation from the conference has been made, the council, pursuant to standing order 338, must either resolve not to further insist on its amendments or lay the bill aside.

The Hon. I.K. HUNTER: I move:

That the council do not further insist on its amendments.

The council divided on the motion:

AYES (6)

Brokenshire, R.L.	Gazzola, J.M.	Hunter, I.K. (teller)
Kandelaars, G.A.	Wortley, R.P.	Zollo, C.

NOES (12)

Bressington, A.	Darley, J.A.	Dawkins, J.S.L.
Franks, T.A.	Hood, D.G.E.	Lee, J.S.

NOES (12)

Lensink, J.M.A.	Parnell, M.	Ridgway, D.W.
Stephens, T.J.	Vincent, K.L.	Wade, S.G. (teller)

PAIRS (2)

Gago, G.E.	Lucas, R.I.

Majority of 6 for the noes.

Motion thus negatived; bill laid aside.

REPATRIATION GENERAL HOSPITAL

The Hon. R.L. BROKENSHIRE: Presented a petition signed by 732 residents of South Australia requesting the council to cease any plans or investigations into closure of the Acute Referral Unit at the Repat General Hospital at Daw Park and instead invest in supporting and enhancing its work.

CRIMINAL INVESTIGATION (COVERT OPERATIONS) ACT

The Hon. I.K. HUNTER (Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (14:24): I table a copy of a ministerial statement relating to the Criminal Investigation (Covert Operations) Act 2009 made earlier today in another place by my colleague the Attorney-General.

QUESTION TIME

STATE DEBT

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:25): I seek leave to make a brief explanation before asking the Acting Leader of the Government, representing the Premier and Treasurer, a question about distance.

Leave granted.

The Hon. D.W. RIDGWAY: At the next election, South Australians will collectively owe the banks $13 billion. End to end in $1 coins, that is a line of some 325,000 kilometres. That is not far shy of the distance between Adelaide and the moon, which at perigee, as I am sure you would know, Mr President, is 357,643 kilometres: a line of $1 coins eight times around the world. That is the ALP's state debt.

The debt is growing at nearly $4 million a day. Every year, every week, day and night, every hour, every one of us in South Australia owes more and more. Like quicksand, deeper and deeper in debt—$4 million a day. In dollar coins, that line grows 100 kilometres a day, at $166,000 an hour; that is an extra four kilometres in dollar coins laid end to end every 60 minutes. From the start of parliamentary question time to the end is an extra line of debt, eight times around Adelaide Oval.

The minister would have to run flat chat for a solid hour, sprinting all the while, eight times around the oval without stopping. While he is galloping around, from a huge barrow he would be pushing, weighed down with 2½ tonnes of dollar coins, he would have to be throwing out $2,766 a second, never slowing and never stopping for the solid hour between today's first parliamentary question and today's last answer—eight times around the oval. My question to the minister is: what will it do, what will it take, to make him stop running up our debt?

The Hon. I.K. HUNTER (Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (14:27): I thank the honourable Leader of the Opposition for his most poetic question. I must say what would stop me would be about 100 metres, and then I would probably have a heart attack, trying to run around the oval carrying a barrel-load of dollar coins. I am sure that the Premier and the Treasurer in the other place, being much fitter than I am, will be able to answer your question, and I will take it to them and seek a response on your behalf.

HOMELESSNESS

The Hon. J.M.A. LENSINK (14:27): I seek leave to make a brief explanation before directing a question to the Minister for Social Housing and Minister for Communities and Social Inclusion on the subject of homelessness.

Leave granted.

The Hon. J.M.A. LENSINK: Earlier this year, Homelessness Australia published a highly critical report of federal/state reform for homelessness, The report, 'Making the grade?' identifies widespread fear and damage among service providers under reforms contained in the 2008 federal homelessness white paper, 'The road home'. A survey by the Independent Community-wide Homelessness Administrators Group in the report found that, in South Australia:

> ...93 per cent [of providers] agreed that fear of retribution (funding loss) exists in the homelessness sector about speaking out in disagreement with Government...

and—

> ...85 per cent agreed that there had been negative outcomes for clients as a result of the 'reforms'.

The report also highlighted concerns with the state government's move to competitive tendering. The report said:

> ...it caused a great deal of anxiety within the homelessness sector in South Australia and [the process] was incredibly damaging for sector morale.

My questions are:

1. Does the minister consider such issues to currently exist in the homelessness sector?

2. What actions has the minister taken in response to this report?

The Hon. I.K. HUNTER (Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (14:29): I thank the honourable member for her most important question on the issue of homelessness. The Australian Community Sector Survey is an annual online survey which collects data about non-government and not-for-profit welfare sectors. As I am advised, of the 665 organisations that returned valid responses to the survey, only 91 are identified as providers of housing, or homelessness services.

The survey findings in relation to housing and homelessness services for the period of 1 July 2010 to 30 June 2011 apparently found 81 per cent of organisations (although, bear in mind, only 91 of the 665 organisations were identified as housing or homelessness services) reporting that demand for their services could not be met. They said that just over 20,000 people reported being turned away nationally, which equates to about roughly 56 a day. That turn-away rate, I understand, was about 8 per cent.

So the 81 per cent unable to meet the demand statistic in the ACSS is determined by a number of 'disagree' or 'strongly disagree' reasons given by 82 organisations to the question, 'Our organisation was able to meet the demand for services.' This response, I say, cannot really be used in the way it has been reported in the media because it really does not generally reflect the state of unmet demand in housing or homelessness services across Australia.

In relation to turn-away numbers, the ACSS does not define the term 'service'. It is therefore not possible to differentiate whether people were turned away from obtaining accommodation, or perhaps support services such as advice or information, counselling or other outreach. The ACSS does not define 'turn-away', which makes it difficult to ascertain whether the data refers to people who were only assisted on the day that the request was made, or otherwise. This makes it difficult for a useful or meaningful comparison to be made with the reporting on turn-aways from accommodation released by the Australian Institute of Health and Welfare, for example.

On 15 December 2011, the AIHW released its report titled 'People turned away from government funded specialist homeless accommodation in 2010-11'. This report was based on data from the Supported Accommodation Assistance Program national data collection for 2010-11 which, on 1 July 2011, has been replaced by the Specialist Homelessness Services collection.

In addition, 553 specialist homelessness agencies provided valid responses on turn-aways to the AIHW. For the period 1 July 2010 to 30 June 2011, 59 per cent of all people making new requests for immediate accommodation were in that report. However, new requests make up only 4 per cent of the total demand for accommodation. When new requests plus all people currently in accommodation are considered, only 2 per cent of all people who sought immediate accommodation were newly accommodated, and only 2 per cent were turned away.

The Australian Community Sector Survey included a number of service profiles which included domestic violence, emergency relief, housing and homelessness, legal services and youth services. These were developed from respondents who were asked to nominate the types of people making up the majority of their clientele. The article in the media draws on data from some of these profiles such as legal and domestic violence services to support the argument that housing and homelessness services have a high proportion of turn-aways. In doing this, the turn-away statistic regarding housing and homelessness is rather inflated.

Within the headline 'Findings' section of the report, ACOSS recognises valuable funding increases provided by governments which have resulted in services being able to exit more people from crisis services into ongoing accommodation. I understand that, for ACOSS, this is evidence that funding for services and investment in secure affordable housing stock needs to be sustained over time and that funding needs to be by cooperation of the federal government with the state government.

I understand that several years ago this government implemented an innovative response to the recognised difficulties for homeless people to access legal advice and supplement the work of community legal centres. In 2006, the Housing Legal Clinic was established by the then minister for housing and now premier, Jay Weatherill. Its aim was to reduce the number of both social and private tenants at risk of eviction or becoming homeless through intervention and access to pro bono legal services. It was initially funded as a pilot project in 2006, and in 2007 an evaluation report clearly demonstrated the success of the HLC and recognised the positive contribution the clinics had made to the lives of those who were either homeless or at risk of becoming homeless.

Ongoing funding has subsequently been provided for the minister's Housing Advice and Community Fund, and I am advised that, as of last year, the amount funded was $131,800 per annum. Since its inception, 300 volunteer lawyers have conducted 1,620 legal clinics, seeing over 3,000 clients and providing pro bono legal advice around housing and homelessness issues and services in excess of $3 million.

HOUSING SA

The Hon. S.G. WADE (14:34): I seek leave to make a brief explanation before asking the Minister for Social Housing a question relating to Housing Trust rental properties.

Leave granted.

The Hon. S.G. WADE: In reply to a question taken on notice during estimates, the minister advised that there were 44,698 Housing Trust rental properties and that, and I quote, 'as at 30 June 2012 there were 1,769 South Australian Housing Trust properties not currently tenanted, which included 993 untenantable properties'. My questions relate to the untenantable properties. I ask:

1. What is the average length of time these properties have been categorised as untenantable?

2. How many of these untenantable properties are scheduled to receive maintenance with a view to them becoming tenanted again?

3. If properties can be classified as 'untenantable' for a reason other than maintenance towards retenanting, what are the other categories and what number of properties are in each category?

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 his most important questions. As at 31 July 2012 Housing SA managed 43,694 tenantable properties, including public and Aboriginal rental housing programs and specialised housing program properties. This figure excludes community housing and properties that are listed for sale, demolition and those which are currently undergoing major upgrades for maintenance.

Of these, 788 were lettable vacancies, which includes properties on which minor maintenance is being undertaken prior to reallocation. Housing SA places a range of signs on vacant properties that outline the intended use for each house in order to assist the public in understanding why particular houses need to be vacant.

Housing SA has a target to relet tenantable properties within 22 days of the previous tenant moving out. I am advised that the average turnaround time as at 30 July 2012 was 16.6 days. South Australia compares favourably to the national average turnaround time of 30 days for public housing properties during 2010-11. In most cases the work required to prepare houses for reletting is relatively minor, with some older houses requiring more extensive repairs that can result in a longer vacancy time.

The Report on Government Services 2012 shows that, based on the 2010-11 data, South Australia's average turnaround time for public housing is 27.6 days, which was the second lowest in the country and well below the national average of 30 days. There are a number of vacant dwellings awaiting refurbishment, demolition or sale to facilitate large urban renewal projects and smaller redevelopment projects to renew older stocks of public housing.

HOUSING SA

The Hon. K.L. VINCENT (14:37): Supplementary. Given that, if I hear correctly, there are some 1,000 houses currently untenanted and that the majority of those are undergoing what I think the minister termed minor modification before reallocation, would the minister consider making them available to people with disabilities to clear the category 1 waiting list for accommodation?

The Hon. I.K. HUNTER (Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (14:37): That just would not be appropriate. Those houses would be waiting to be tenanted; they may be undergoing refurbishment, they may be waiting for large redevelopment, they may be going up for sale. To make them available for people with disabilities I imagine would require a large amount of upgrades and changes to the stock to allow, for example, for wider corridors or wider doors and ramps to allow people to use wheelchairs, or other alterations to make them safe and useable for people with disabilities.

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

HOUSING SA

The Hon. S.G. WADE (14:38): In the minister's original answer he indicated that the 44,000 plus figure that I used and he used did not include houses that were subject—

The PRESIDENT: You must ask the question.

The Hon. S.G. WADE: —to major upgrades for maintenance. How many houses are there awaiting major upgrades for maintenance outside the 44,000, and are they all headed back for retenanting?

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): I will have to take some advice on that, and I will bring back a response for the honourable member.

SAFEWORK SA

The Hon. CARMEL ZOLLO (14:39): My question is to the Minister for Industrial Relations. Can the minister please advise the chamber about SafeWork SA's recent strategic intervention program targeting the poultry industry?

The Hon. R.P. WORTLEY (Minister for Industrial Relations, Minister for State/Local Government Relations) (14:39): I would like to thank the honourable member for her very important question. Back on 19 July I advised this chamber that SafeWork SA inspectors have recently been involved in targeted intervention strategies addressing health and safety and fair work issues in the poultry industry. On 2 April I had the honour to launch the poultry industry discussion paper, entitled 'Better jobs 4 better chicken', developed by the National Union of Workers.

This report highlighted that indirect employment methods in the poultry industry are often utilised, including cash-in-hand work, unfair or sham contracting, labour hire arrangements, and casual work. These indirect employment methods, along with associated inadequate induction,

training and supervision of staff, have exposed many workers to serious risks of injury or death. This report followed a nationwide audit throughout Baiada Poultry Ltd's chicken processing facilities, conducted by the Fair Work Ombudsman.

That audit found that 112 workers were not receiving the correct wages and other conditions. Unfortunately, the NUW (National Union of Workers) report found that there are worrying signs that some of the country's leading poultry suppliers are sacrificing safety for higher profits. Many of the workers within the industry are untrained, overworked and undervalued. They work longer hours in potentially contaminated workplaces without the adequate training required to ensure that our food is safe to eat.

The report also found that the problems are exacerbated for cash-in-hand workers and sham contractors because they are rarely given training or the necessary support to ensure their own safety and that of others. These workers also did not receive other statutory entitlements, including personal and carer's leave, annual leave, superannuation or workers compensation insurance. Following the launch of this worrying report, SafeWork SA developed and implemented a state-based targeted intervention program focusing on the large poultry processing companies and their associated labour hire organisations in South Australia.

As part of the intervention program, SafeWork SA's occupational health and safety inspectors, industry advisers and industrial relations inspectors undertook site visits to poultry processing companies looking at safe and fair working conditions such as traffic management issues, including the loading and unloading of trucks; plant safety; packing line tasks—for example, manual handling, slips and falls; environmental conditions, including hours of work, appropriate lighting, etc.; training of staff, including inductions and supervision; and other employment conditions, including provisions for long service leave and other forms of leave.

I am pleased to advise this chamber that the outcomes of the South Australian audits have been assessed, and the results indicate a high level of compliance with occupational health and safety and industrial relations requirements, including the provision of long service leave. No major compliance gaps were identified to be the focus of any subsequent audits. All entities were cooperative and assisted SafeWork SA inspectors when required to ensure that they met their legislative obligations.

They demonstrated a commitment to occupational health and safety and industrial relations through close liaison with SafeWork SA. I commend these employers within the poultry industry in South Australia for their strong compliance with occupational health and safety and industrial relations obligations, particularly in comparison to some of their interstate counterparts. I encourage their continued cooperation with SafeWork SA to ensure ongoing compliance into the future.

PUBLIC TRANSPORT

The Hon. K.L. VINCENT (14:43): I seek leave to make a brief explanation before asking the minister representing the Minister for Transport Services a question about the accessibility and safety of public transport in Adelaide.

Leave granted.

The Hon. K.L. VINCENT: I have raised issues regarding public transport services in this chamber many times now but I am yet to receive a response from the minister. This week I have again been reminded of the inadequacy of Adelaide's public transport system by an incident that occurred on the B10 bus route on Monday afternoon. The bus was heading from the city up Magill Road. This bus looked to be something we purchased second-hand from interstate. I can assure you that it was not myself but my staff who were on this bus on their way to a meeting, as there was no way I could have accessed that bus because it had no centre doors, no ramps and a very narrow corridor. On a positive note, however, it did have seatbelts.

The bus was driven in a very spasmodic fashion by the driver, both in accelerating and braking phases. After stop 10, the bus driver accelerated, then braked suddenly and then accelerated again. In the course of this, a middle-aged, able-bodied passenger lost his footing and flew through the air, landing on a woman and accidentally striking her on the head. The woman was distressed and crying but would not say much as she had either sustained a concussion and was confused or was not confident expressing herself in English. The man who had fallen onto her apologised and kept trying to check if she was alright. The driver eventually realised that she had

been injured and went to check the situation also. There was a significant discussion amongst passengers as to the poor driving skills of the driver.

One of my staff members asked two passengers if they were okay and needed assistance as they exited the bus. The second staff member asked the driver if something in particular was causing him to drive in this manner. The driver said it was very difficult to drive the bus because both the accelerator and the brake were very stiff and hard to operate. My questions are:

1. Does the minister concede that the incident that occurred on Monday was brought about by her department allowing the purchase of old buses that are, quite frankly, past their use-by date?

2. Is the minister concerned about both the safety and accessibility of her public buses and the risk that these ageing buses sold off by other jurisdictions pose to commuters?

3. Does the minister think it is good enough to only have 84 per cent of public buses accessible to wheelchair users and other people with mobility needs and leave many commuters with disabilities, prams and so on stranded by the side of the road?

4. When the minister closes down the Adelaide Railway Station in January, will commuters with disabilities be provided with an accessible bus as a replacement vehicle to travel into the city?

The Hon. R.P. WORTLEY (Minister for Industrial Relations, Minister for State/Local Government Relations) (14:46): I would like to thank the honourable member for her very important questions and I will refer them to the minister in another place and seek to have a response as soon as possible.

VISITORS

The PRESIDENT: It's nice to see the Hon. Mr Gilfillan looking fit in the gallery today.

Honourable members: Hear, hear!

QUESTION TIME

WEAR IT PURPLE DAY

The Hon. G.A. KANDELAARS (14:46): My question is to the Minister for Communities and Social Inclusion. Will the minister advise the house about the initiative of the Wirreanda High School students' voice group on Wear It Purple Day?

The Hon. I.K. HUNTER (Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (14:46): I would like to thank the honourable member for his most important question and his ongoing interest in this area. On Wear It Purple Day, Friday 7 September, I visited Wirreanda High School to meet the Student Voice Group.

Accompanied by the member for Reynell, Gay Thompson, I spoke with student representatives, teachers and principal, Mr Tony Lunniss. Just as Wear It Purple Day encourages young people to be proud of who they are, I am immensely proud of these young people for making such a public statement. Having young people come out and say that they are not going to tolerate the derogatory use of the word 'gay' is an incredibly powerful thing to do.

Students at Wirreanda High School have taken a pledge to stop using comments such as 'That's so gay.' Comments such as 'That's so gay' are often used in a derogatory way to describe something as inferior or not that good—and not, as in my day, to refer to something to do with Judy Garland or Barbra Streisand. Young people, particularly those who are same-sex attracted or who are exploring their sexual identity, are entitled to the same level of respect and support as any other student. By perpetuating the use of the word 'gay' in a derogatory sense, that sense of respect is diminished.

I spoke with students Ben, Jess, Aaron and Alex from the Student Voice Group who had heard about Wear It Purple Day and wanted to raise awareness of bullying issues and do something that would create a culture of tolerance and support for all young people at their high school and across the wider community. More than 800 students at Wirreanda High School were provided with information about the initiative before they were encouraged to take the pledge.

After taking the pledge, the students attached their names to a banner which read, 'It's not okay to say it's gay.' Students undertaking the pledge were rewarded with a cupcake reinforcing their positive behaviour. That method always works for me. If someone gives me a cupcake, that does reinforce positive behaviour. To evoke the spirit of inclusion, the hundreds of cupcakes required were baked by parents, teachers and students and of course were topped with purple icing.

The Hon. R.I. Lucas: As long as it's made of chickpeas, Brussels sprouts and lemons.

The Hon. I.K. HUNTER: I cannot speak to what the icing was made of. The Hon. Mr Lucas thinks it is lemons and chickpeas. There might have been some lemons in it but I think it was largely sugar. Many of the students also chose to wear a purple ribbon in support of Wear It Purple Day—itself an initiative in support of young LGBTIQ people. The activities at Wirreanda High were similar to initiatives that took place at Unley High School last year in support of young people trying to work out their sexuality.

I would like to commend the students and staff at Wirreanda High School for their initiative, the courage they have shown to support and respect students at their school and their efforts to promote and encourage the right that all young people have—and in fact that we all have—which is to feel proud of who they are.

WEAR IT PURPLE DAY

The Hon. K.L. VINCENT (14:49): Does the minister plan to work with schools to increase education around other derogatory terms that may be used by young people, in particular 'retard' or 'retarded'?

The Hon. I.K. HUNTER (Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (14:50): It is not exactly my portfolio area, but I must admit that when I read the paper and saw the report of the students I wanted to go down and congratulate them, and I made that effort. I think that is a very useful and good question from the honourable member and I undertake to take that up with the Minister for Education in the other place.

SHACK LEASES

The Hon. J.A. DARLEY (14:50): I seek leave to make a brief explanation before asking the Minister for Communities and Social Inclusion, representing the Minister for Environment, questions with regard to shack site rentals.

Leave granted.

The Hon. J.A. DARLEY: On Wednesday 18 July, the Minister for Communities and Social Inclusion shared some information, no doubt provided by the Minister for Environment, about the rental of shack sites situated on crown land, Particularly, the information provided made reference to the procedure in determining the rents and gave information about objections to new rents. The minister stated:

> An independent valuer provides a report on the values of individual shack sites and the rationale for the valuation. The valuer's report is then provided to the Valuer-General for review.

The minister also stated:

> I am also advised that the Department of Environment, Water and Natural Resources is conducting a review of those sites that are subject to an objection based on the supporting evidence provided by the lessees.

On 29 February, I attended a meeting with the minister and was advised that some leases are not covered by the Crown Land Management Act as they pre-date review provisions in the act, and some are covered by a different act altogether. Notwithstanding this, the minister assured me that as a courtesy he would extend all appeal and review rights afforded under the current act to these lessees. My questions to the minister are:

1. My office has made inquiries with the Valuer-General's office, which has confirmed that no valuer's report was provided to them and so the report was never reviewed by the Valuer-General. Can the minister provide details of when this was done, to whom the report was provided and who from the department provided the minister with this information?

2. Will the minister publicly confirm the undertaking he gave to me at the meeting held on 29 February?

3. How many shack lessees have lodged an objection to the new rent? Can the minister advise the outcome of objections which have been finalised and advise how many objections are still to be considered?

4. Given the minister's undertaking to allow review and appeal rights consistent with the Crown Land Management Act, why are objections to new rents based on supporting evidence provided by lessees when there is no requirement in the act for evidence to be provided by lessees?

5. Can the minister advise what will happen in circumstances where objections from lessees are received but do not include any supporting evidence?

The Hon. I.K. HUNTER (Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (14:53): I thank the honourable member for his most important questions. He is, of course, correct in his assumption about where the information came from that I relayed to the council. In relation to his five questions, I will undertake to take those to the Minister for Sustainability, Environment and Conservation in the other place and seek a response on his behalf.

CHRISTIE DOWNS HOUSING PROJECT

The Hon. J.S. LEE (14:53): I seek leave to make a brief explanation before asking the Minister for Communities and Social Inclusion a question about the Christie Downs housing project.

Leave granted.

The Hon. J.S. LEE: Reported in *The Advertiser* on 18 September 2012, the housing project in Christie Downs, built using federal government stimulus money, will deliver just one-third of the affordable units planned and has suffered a $1 million budget blowout. A quarterly update from the state government's Urban Renewal Authority shows that 16 apartments in the 24-home complex will now be sold on the commercial market and eight of those units will be handed to Housing SA.

When the project was planned in October 2010, it was to cost $6.5 million. It is now priced at $7.5 million. According to the report, the federal government fully funded the expected cost under the post-global financial crisis Nation Building—Economic Stimulus Plan and the state government has covered the budget blowout of $1 million. My questions are:

1. Does the minister see this blowout to be another prime example of economic waste and mismanagement conducted by the Labor government?

2. With the state government covering the budget blowout of this project, can the minister assure us that the rest of the affordable housing will be delivered?

The Hon. I.K. HUNTER (Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (14:55): The answer to the honourable member's first question obviously is no and, to the second question, yes.

Members interjecting:

The Hon. I.K. HUNTER: If they want more detail, I am happy to give it to them, but I thought they were after some concise information. Let me say that the Hon. Ms Lee is not the only person to be confused about this misleading article. The member for Morialta in the other place, I understand, tweeted incorrectly, erroneously, as follows:

> $1 million blowout in Housing Trust project. Labor waste means people wait longer on Housing Trust wait list.

There is then #adelaide—I do not know what that means. It is completely wrong. You would expect the shadow in the other place to understand—I do not expect the Hon. Ms Lee to understand the intricacies of this—to actually comprehend that this is actually a good outcome, and I will explain to you why.

The Advertiser article reported that the Christie Downs social housing project is now delivering only eight Housing SA properties rather than the 24 originally planned. That is an excellent outcome. This might sound to some to be a poor outcome. The situation is not that. The decision to sell the 16 properties to private rental owners participating in the National Rental

Assistance Scheme (NRAS) will mean that the project has a better mixture of tenancies, rather than a community made up of a high concentration of high-need tenants.

Additionally, this outcome provides us with 16 more social housing properties than the original number of 24, because the money realised from the sale of the properties will be reinvested to provide more public rental properties elsewhere. The project is a commonwealth-approved sale and reinvestment project under the Nation Building—Economic Stimulus Plan. All 24 dwellings are Nation Building—Economic Stimulus Plan funded, with eight to be occupied by public housing tenants and the remaining 16 sold, with all revenues—all revenues—reinvested in the construction of a further 16 social housing dwellings at a location yet to be determined. The reinvestment and further housing construction comes at a time when the building industry needs projects to keep it working and to provide ongoing employment opportunities in the construction industry—another good outcome.

At the conclusion of the NBESP sale and reinvestment program, all 24 NBESP-funded dwellings will be retained—all will be retained—within the social housing program. Construction costs have been fully funded by the commonwealth, with some consultant and land development costs funded by the state government through Housing SA.

With regard to the so-called $1 million blowout reported by *The Advertiser*, I can report that the budget for the project was revised in the design development phase to improve the amenity of the design. This included increasing the size of each apartment, and therefore the size of the overall building, to comply with full disability access and to complete stage 1 of the new road associated with the development.

The revision of the budget and the explanation was first reported in June 2011 in the PricewaterhouseCoopers report, so I am not surprised that it has taken this long for the member for Morialta to actually catch up. The sales of the 16 properties are targeted to private owners who agree to participate in the National Rental Assistance Scheme, where owners undertake to rent their apartments to low-income tenants at an affordable rate.

The Hon. J.M.A. Lensink: Only a Labor minister would think a blowout was a good outcome.

The Hon. I.K. HUNTER: The Hon. Ms Lensink says that only a Labor minister would think this is a good outcome—

The Hon. J.M.A. Lensink: A blowout.

The Hon. I.K. HUNTER: —perhaps only a Labor minister can count and the Liberals cannot—16 more housing outcomes for the same price. I will just repeat: the sales of the 16 projects are targeted to private owners who agree to participate in the NRAS, where owners undertake to rent their apartments to low-income tenants at an affordable rate.

The project provides $3.8 million in sales revenue for reinvestment in building an additional 16 social housing dwellings. All revenues from the sale must be reinvested in the provision of social housing under the conditions of the Nation Building—Economic Stimulus package. The state will not be a net recipient of funds from the project at the conclusion of the reinvestment phase. The NBESP sale and reinvestment program requires that 24 dwellings be constructed in the first round and a minimum 16 dwellings be constructed in the second round. An extension of the sale and reinvestment program is being discussed with the commonwealth government to provide further economic stimulus to the building industry.

The construction and development costs for the project compare favourably with the commonwealth's target construction cost of $300,000 per dwelling. The sale and reinvestment program is an excellent example of utilising commonwealth funds to build social housing and affordable housing in locations with a high amenity, lowering the living costs associated for the occupants. The second round of construction will further extend the economic stimulus benefit for the construction industry. This project is also a demonstration of full disability accessible accommodation and the opportunities of apartment living in a key location.

CHRISTIE DOWNS HOUSING PROJECT

The Hon. T.A. FRANKS (15:00): By way of supplementary question, how many of these tenants will be living in housing stress or paying more than 25 per cent of their income in rent?

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):

Those occupants of Housing SA properties who will essentially come off our waiting list will meet the usual requirement—25 per cent.

CHRISTIE DOWNS HOUSING PROJECT

The Hon. R.I. LUCAS (15:01): By way of a supplementary question, given that the minister indicated that one of the reasons for the increased cost was to provide full or total disability access, to use his words, why was not that insisted on in the first place in the original design?

The Hon. I.K. HUNTER (Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (15:01): I cannot speak to that from personal experience as it pre-dates my joining this portfolio. However, I would have thought that the honourable member would join with me in celebrating the fact that we are building the new development with these apartments—

The Hon. D.W. Ridgway interjecting:

The Hon. I.K. HUNTER: The honourable member does not want to give credit where it is due. We have actually taken the decision to do this. We are investing the money to make them disability accessible and we will continue to do it.

CHRISTIE DOWNS HOUSING PROJECT

The Hon. R.I. LUCAS (15:01): By way of a further supplementary arising out of minister's answer, why would the minister want us to credit incompetence and negligence on behalf of either his ministry or the previous minister?

The PRESIDENT: Hardly a supplementary.

The Hon. I.K. HUNTER (Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (15:02): It is hardly a supplementary, but I have to say that I was not inviting him to compliment the member for Morialta on making his incompetent tweets—whatever they are. Are they twitters or tweets?

The Hon. T.A. Franks: Tweets.

The Hon. I.K. HUNTER: Tweets, thank you—I am getting it.

LOCAL GOVERNMENT GRANTS COMMISSION

The Hon. CARMEL ZOLLO (15:02): My question is to the Minister for State/Local Government Relations. Will he explain the important role the South Australian Local Government Grants Commission has in ensuring our local communities can build and maintain vital infrastructure?

The Hon. R.P. WORTLEY (Minister for Industrial Relations, Minister for State/Local Government Relations) (15:02): I thank the honourable member for her interest in how South Australian communities meet infrastructure challenges. The South Australian Local Government Grants Commission is an independent statutory authority responsible for making recommendations to the Minister for State/Local Government Relations on the distribution of untied commonwealth financial assistance grants to local councils in South Australia.

The money received by councils through this important program goes towards building and maintaining vital infrastructure, such as roads and drainage works. South Australian councils are responsible for the maintenance of around 75,000 kilometres of road, which places a considerable burden on local government finances. In some instances the money received by councils through the commission can represent up to 30 per cent of it is overall budget, making it a vital source of infrastructure funding.

The commission travels to communities throughout South Australia, explaining the allocation process and discussing the infrastructure needs of individual councils. The funds are then distributed using a horizontal equalisation or needs-based approach, which compensates councils with a below average revenue-raising capacity and above average costs of service provision.

From time to time in my role as minister I take the opportunity to travel with the commission. Recently I visited the South-East with the commission, meeting with the seven local councils—Tatiara, Naracoorte-Lucindale, Grant, Wattle Range, Mount Gambier, Kingston and Robe. I travelled with the chair, Mary Patetsos, executive officer Peter Ilee and commissioners Jane Gascoigne and John Ross. Mr Ross is of course the former Tatiara District Council mayor, a

seasoned farmer, well known and well regarded throughout the South-East for his commitment to the region. Travelling with the commission provides me with the opportunity to meet the mayors, councillors and council officers who are charged with running local government in South Australia.

These dedicated community leaders provided me with insights into the challenges currently faced by their respective communities. I am pleased to say that, subject to final approval, the seven South-East councils will receive almost $13 million between them through this round via general purpose, local road, and special road grants.

This considerable amount of money will positively impact on road safety, productivity, tourism and community connectedness. In November, I will again travel with the commission when it meets with councils across Eyre Peninsula. The government is proud of its commitment to ensuring local government is properly funded in this state, and we will continue to advocate on their behalf so they receive appropriate levels of funding.

ROYAL ADELAIDE SHOW RAIL PLATFORM

The Hon. M. PARNELL (15:05): I seek leave to make a brief explanation before asking the Minister for Communities and Social Inclusion, representing the Minister for Transport and Infrastructure, a question about train facilities at the Adelaide Showground.

Leave granted.

The Hon. M. PARNELL: Coming into parliament on the train today I noticed, as the train passed the Adelaide Showground, a sizeable team of workers who were disassembling the temporary rail platform that is at the western entrance to the showground. As members would know, each year at show time the temporary platform is erected and then disassembled at the end of the show.

We are familiar in this state with temporary facilities, such as for the car races where grandstands are put up. Of course, they need to be removed because the land they sit on is used for other purposes but, in relation to the land where this rail platform sits, there is no other use for this land. It is not in the way of anything, there is plenty of room for vehicles to get past if they are authorised to use that section of closed-off roadway, and there is plenty of room for the bike path.

The Hon. J.S.L. Dawkins: We could use it for other events.

The Hon. M. PARNELL: As the Hon. John Dawkins interjects—

The PRESIDENT: Out of order.

The Hon. M. PARNELL: —the platform could be used for other events, and I think he is pre-empting my questions of the minister, which are:

1. What does it cost to put up and take down this facility every year at show time?

2. Why not just leave the platform in place rather than erect it and remove it each year, particularly because it could then be used for other events that are held at the showground?

3. Why not construct a new permanent facility at that location, given that the land is available, it is not used for any other purpose, and it would avoid the annual cost of erection and removal of the temporary rail platform?

The Hon. I.K. HUNTER (Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (15:07): I thank the honourable member for his most excellent question on temporary infrastructure at the showground. I undertake to take that to the minister in the other place and bring back a response for him.

YATALA LABOUR PRISON

The Hon. T.J. STEPHENS (15:07): I seek leave to make a brief explanation before asking the Minister for Communities and Social Inclusion, representing the Minister for Correctional Services, about the incident involving a female prisoner being handcuffed to a bed at the Yatala Labour Prison.

Leave granted.

The Hon. T.J. STEPHENS: In June, it was brought to the public's attention that a mentally ill woman was handcuffed to a bed for up to 20 hours a day for nine months in the Yatala Labour

Prison's infirmary. Even though she was suicidal, had a risk of violence towards staff, had to be restrained with handcuffs and has constant psychiatric care, as well as help from the health department and interstate experts, she did not meet the criteria in the Mental Health Act. The now former chief executive of the Department for Correctional Services says he was fully aware of the woman's circumstances. As well, minister Rankine said she saw the prisoner last November. My questions are:

1. Why was the prisoner not able to be held at the Adelaide Women's Prison?

2. How was the prisoner not covered by the provisions of the Mental Health Act?

3. Where is the prisoner being held at the moment, and under what conditions and circumstances?

The Hon. I.K. HUNTER (Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (15:08): I thank the honourable member for his very important question. I undertake to take that question to the Minister for Correctional Services in another place and seek a response on her behalf.

SHINE SA

The Hon. J.M. GAZZOLA (15:09): My question is to the Minister for Communities and Social Inclusion. Minister, will you tell us about the work of SHine SA chief executive officer Kaisu Vartto?

The Hon. I.K. HUNTER (Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (15:09): I take great pleasure in responding to the question from the honourable member. SHine SA is the leading sexual health agency in South Australia, a role they have undertaken for more than 40 years. It works with government health, education and community agencies to improve the sexual health and wellbeing of South Australians. SHine SA has been strongly led by Ms Kaisu Vartto over the past 18 years. Tomorrow, I am attending the retirement celebrations of Kaisu.

Kaisu has steered the organisation through significant changes through her time, including the shift from Family Planning SA to Sexual Health Information Networking and Education (SHine SA). This marked an important change for the organisation in moving to a comprehensive focus on sexual health matters. During this time, SHine SA developed a program called Sexual Health and Relationship Education (SHARE) to be used in state schools. Throughout the negativity created by the likes of the Australian Family Association, and others, Kaisu remained steadfast in her view that the program would achieve safer and healthier outcomes for young people. Indeed, Kaisu has been proved to be right.

At the turn of the century, Australia had a considerably high rate of teenage pregnancy compared to the rest of the industrialised world yet, in 2009, thanks to programs such as SHARE, South Australia's teen pregnancy rate was recorded at a low 32.7 per 1,000, the lowest rate on record for our state. This, in part, I believe, can be attributed to the leadership of Kaisu and the work of her team at SHine SA.

The working environment has also changed during Kaisu's occupation of the offices, once at Unley, then at Kensington, to the modern working facilities enjoyed by staff and clients now in Woodville. SHine SA's services include counselling, education and a team of clinical professionals. Kaisu's approach as a leader of SHine SA is to respond to community needs and to work closely with community members, including young people, people with disabilities, Aboriginal and Torres Strait Islander people and LGBTIQ people. Her team's work includes running workshops and group education sessions, youth participation and peer education, and also health promotions.

SHine SA works with schools for children and young people with a disability to cover issues such as safe sex practices and prevention of sexual abuse. Across South Australia, a number of children and adults with disabilities have also accessed one-to-one education with SHine SA, addressing appropriate and inappropriate behaviours and protective behaviours. SHine SA also provides training for disability workers, developing their capacity to support the sexual health and relationship needs of their clients.

Kaisu is a national advocate for sexual health education and is committed to ensuring that young South Australians have access to sexual health education, resources and information. The Department for Health and Ageing recently developed the first South Australian Sexually Transmissible Infections Action Plan 2012-15, and Kaisu has made a notable contribution to this

action plan. She is a wonderful advocate for women's health and has been a great champion for sexual health education, a passionate advocate for equitable access to health-care services and sexual health rights.

After 47 years in employment, she will continue, I am sure, to advocate on issues such as human rights and Aboriginal reconciliation in her retirement. I commend her tireless work and dedication to improving the lives of South Australians wanting a broad sexual health service.

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

SHINE SA

The Hon. K.L. VINCENT (15:12): Is the minister concerned regarding the training of disability support workers around sexuality of clients, that even though support workers as individuals might be willing to do that training, and complete it very well, policies of the agencies that they actually work for might impede them from actually putting that education into practice, and is this something that he intends to work with SHine SA on in future?

The Hon. I.K. HUNTER (Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (15:13): Another excellent question from the honourable member. I am not aware of any inhibition of disability support workers to provide the appropriate sexual health training to their clients because of agencies that employ them. Agencies who take funding from the government are required to meet our requirements and those requirements would be to provide the appropriate range of services.

If, indeed, this is an issue, if the honourable member would like to advise me of any instances she knows of, we can work with the agencies involved, and with SHine SA, to try to bring them together to discuss those issues.

DEPARTMENT NAMES

The Hon. R.L. BROKENSHIRE (15:14): My question is to the Minister for Communities and Social Inclusion. Can the minister advise the house why the word 'families' has been removed from families and communities within his portfolio titles and why 'public housing' has been removed and replaced with 'social housing'?

The Hon. I.K. HUNTER (Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (15:14): It has taken a long time to get to this question. These changes were made by machinery government changes when the current ministry was appointed, I think last October. As the honourable member may be aware, the Premier has made some wholesale changes, particularly to my agency. I think that machinery government changes impact about 30 per cent on my agency, from memory.

The thinking was, as I understand it from him, that the Premier wanted to trial a situation where one minister and one agency had control of children's issues from birth to the end of school years, and that is why the Department for Families and Communities, as it used to be (now Families), has moved over to that new portfolio of DECD.

In relation to his question about public housing now being divided between two ministers (the Hon. Patrick Conlon in the other place as Minister for Housing and me, as the Minister for Social Housing), that was to facilitate, again, another situation where one minister (and one agency) would have his or her hands on several levers to do with planning, infrastructure and development.

Minister Conlon has taken control of issues to do with redevelopment; hence, Urban Renewal—it is called Renewal SA now, I think—was set up in the first place. That is the thinking behind it; and, of course, then I am left with social housing, which basically impacts on the Housing Trust or Housing SA and the not-for-profit sector which supplies social housing to those on low and medium incomes.

APY LANDS

The Hon. R.I. LUCAS (15:16): My question is directed to the Minister for Communities and Social Inclusion. Has the minister received advice of claims of abuse of locality, meal and other allowances by some DCSI staff working on APY lands; and, if so, has any disciplinary action been

taken against any individual staff member and, if so, what? Has any allowance of any staff member been terminated and, if so, what are the details of such administrative action?

The Hon. I.K. HUNTER (Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (15:16): I thank the honourable member for his important questions. I undertake to have a look at that and bring back a response for him.

APY LANDS

The Hon. R.I. LUCAS (15:16): I have a supplementary question arising out of the answer. Is the minister indicating by way of his brief answer that he has received no advice of claims of abuse of locality, meal or other allowances by some of his own staff?

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): That is a stretch, but my answer is no, I am not indicating any such thing.

DISABILITY SERVICES

The Hon. G.A. KANDELAARS (15:17): My question is to the Minister for Disabilities. Minister, could you outline how your disability staff are allocated to front-line services and what their responsibilities are?

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, and I am very pleased to have the opportunity to respond. At the moment Disability SA and disability and domiciliary care services have a total of 2,198 staff employed, or 1,743 full-time equivalents. Approximately 88 per cent of staff in Disability Services are classified as direct care staff offering front-line services.

They are the speech therapists, the nurses, the physios, the occupational therapists, the service coordinators and the disability care workers, to name just a few of them. These staff work hard to meet the growing need in our disability community. Like many in the community, I was horrified last Thursday when I heard the Leader of the Opposition slip up and reveal that the Liberals plan to slash the public sector by 25,000 to 35,000 employees—25,000 to 35,000 employees.

And while the Hon. Isobel Redmond has since come out and said that she was mistaken, I think that we should reflect on comments made by Ms Redmond's deputy, Mitch Williams, to *The Australian* on 13 September, who said that his leader's comments about cutting the Public Service by 25,000 to 35,000 employers were not a mistake, that the Liberal Party was, and I quote, 'of one mind' on this issue, and that her plans were 'consistent with the views of everybody in the party room'. It is also interesting to note the comments made on ABC 891 last Friday by the new chief executive of Business SA, Nigel McBride, who said of the incident:

> Isobel is a very straightforward, straight speaking kind of gal. I think she has made the mistake of being not politically astute.

In other words, Ms Redmond was actually being very truthful and frank when talking about the Liberals' plan to axe a quarter of our Public Service. Her mistake was just talking about it publicly. The opposition has confirmed that should they win the next election, they will create an audit commission, based on the Queensland audit commission approach. If they follow the approach of the Queensland Liberals they will then use the audit's findings to justify savage cuts to the Public Service, savage cuts that they have already decided upon—already decided upon. We just have to look to Queensland to see what South Australia will look like under a future Liberal government.

Just last week, 14,000 Queensland public servants were sacked, including nurses, child protection workers, hospital orderlies, school cleaners—people in front-line services. Of course, what Isobel Redmond is planning is much more extreme than what is taking place in Queensland. The impact of these proposed cuts to the disability community would be enormous. Currently, this government supports 21,822 South Australians living with disability. Now, you cannot rip 25,000 to 35,000 public servants out of the system without front-line services being affected. You cannot make those kinds of cuts without significantly affecting our 21,000 plus clients, their families and their carers.

It is important to note that our current Public Service system has only 27,000 people classified as working in admin and policy roles across the whole system.

Members interjecting:

The PRESIDENT: Order!

The Hon. I.K. HUNTER: Therefore, a significant amount of the proposed cuts would have to come from front-line services. Under this plan, the Liberals would sack teachers, nurses, police, doctors, and front-line staff who work in my department in disability support. If you reduce the Public Service by a quarter these are the sorts of jobs that will have to be cut. I ask the SA Liberals: what front-line services do you plan to cut? How many disability support staff will you be sacking? The answer to this question I am sure will be of huge interest to our community, because for the past few years the disability community has been crying out for more services, more support, more resources—not less.

The Weatherill government has certainly heard these cries and that is why it has invested a record amount of funding into disability support services in recent years—$212.5 million in the last budget. What was your promise at the last election? What was it—$10 million? That is also why we strongly support the launch of the National Disability Insurance Scheme. With the South Australian launch site commencing in July 2013, there is a great deal of work to be done to prepare the sector for the new system. This important transition work will continue as the trial progresses and we work our way towards full implementation of the NDIS.

As I have explained in this place before, introducing a new national disability system is a complex task. At the moment, we have officers from the Department of the Premier and Cabinet, Department of Treasury and Finance, and the Department for Communities and Social Inclusion, all working with our federal counterparts to implement this new support system. These are not faceless bureaucrats; they are not some policy wonks sitting behind desks in an ivory tower. These are skilled officials dealing with high level, complicated negotiations that will ultimately lead us to a new national disability support scheme.

Preparing for the NDIS is going to take considerable time and resources, and this work will be ongoing for years until we finalise the full rollout of the NDIS. We definitely cannot afford to lose a quarter of our staff at such a critical transition time. Regarding the NDIS, it is interesting to once again look at Queensland to see the Liberal government's lack of commitment to disability reform. The Queensland Liberals have refused to commit to an NDIS launch site and there was no funding allocated for the NDIS in the recent state budget in Queensland. Instead, Premier Newman prioritised a racing industry over and above people living with disability and in desperate need.

Here in South Australia we will be rolling out the NDIS for children from next year. However, I cannot recall seeing a single press release from the opposition disability spokesperson or the Leader of the Opposition confirming the Liberal support and long-term commitment for the South Australian NDIS launch. This silence is remarkable, given that this is a once-in-a-generation reform and a major focus of the disability sector.

I fear, and parents of children with disability should fear, that this Liberal opposition will roll this commitment back. Let me be clear: the Liberals European-style austerity measures are not necessary and will have a detrimental impact not only on the disability community but the economy as well. Just consider the impact on our economy if 25,000 to 35,000 workers, wage earners were ripped out of the workforce. We would surely be headed for a recession. At a time when the disability community are calling for more resources and more support we cannot—

Members interjecting:

The Hon. I.K. HUNTER: This is a clear indication of their lack of understanding about what workers in the public service do.

The Hon. T.J. Stephens interjecting:

The Hon. I.K. HUNTER: It will come in due course, Mr Stephens, and you will see another excellent Weatherill Labor budget. Let me make it quite clear that the last budget delivered $212.5 million over five years for disability.

The Hon. T.J. Stephens: Debt, debt, debt.

The Hon. I.K. HUNTER: Are you going to take it away from them, Mr Stephens?

The Hon. T.J. Stephens: Debt, debt, debt.

The Hon. I.K. HUNTER: Are you going to take that money away from them? Let us know. The community wants to know what you are going to do. All the Hon. Mr Stephens wants to do is cut, cut, cut, and that is what we will see from a Liberal government.

WORKCOVER

The Hon. R.I. LUCAS (15:25): I seek leave to make a personal explanation.

Leave granted.

The Hon. R.I. LUCAS: Yesterday in question time, the *Hansard* records me as saying, 'Subsequently, Mr Wayne Potter, the then general manager for regulation and education signed a letter to *InDaily...*' What I should have said and what *Hansard* should record is 'signed a letter to the WorkCover Ombudsman and published in *InDaily*'.

The Hon. Carmel Zollo: So are you saying Hansard got it wrong?

The Hon. R.I. LUCAS: No; I got it wrong.

PETROLEUM AND GEOTHERMAL ENERGY (TRANSITIONAL LICENCES) AMENDMENT BILL

In committee (resumed on motion).

Clause 1.

The Hon. M. PARNELL: Just while the minister is sorting himself out, for the benefit of the chamber I would like to let members know that, whilst I do have some questions, the vast majority of them are on clause 1. The bill has only six clauses and a schedule, and most of what I have to ask I think is appropriately asked at clause 1. I just put that on the record in case members are getting overly anxious about the pace at which this important bill is progressing.

In his second reading explanation the minister says that it has been drawn to the state's attention that there are potential unintended consequences arising from the transitional provisions of the Petroleum and Geothermal Energy Act. When we were debating this earlier today, the minister was asked about when it was drawn to the government's attention, and the minister provided some answers there. My question of the minister is: which mining companies have approached the government expressing their concern about the situation as it exists today and asking for legislative reform?

The Hon. I.K. HUNTER: My advice is that this is a process that we embarked upon and not at the instigation of any companies.

The Hon. M. PARNELL: I did ask whether any companies had asked for the legislation, but just to clarify: is the minister saying no mining company has expressed any concern, up until now, about the status quo?

The Hon. I.K. HUNTER: We have tried our hardest but all I can say is that to the best of our knowledge, no. My advisers have no knowledge of it and I have no knowledge of it.

The Hon. M. PARNELL: I thank the minister for his answer. In the minister's second reading explanation, directly following the sentence I read earlier, he stated:

> The state has concerns that if the proposed amendments are not made many petroleum production licences could be found to be flawed on the basis of the unintended legislative effect.

What the minister has effectively said is that these concerns rest in the minds of the government and its officials and they, apparently, at least to the best of the minister's knowledge, do not exist in the minds of the executives of mining companies. I would like to pursue that a little bit further. In the two years since the industry (Santos in particular) has been aware of this problem, is the minister aware of any of them having notified the Stock Exchange that circumstances exist or have arisen that could give rise to difficulties for those companies, in particular in relation to their share prices? Is the minister aware of any company that has notified the Stock Exchange that there is a problem?

The Hon. I.K. HUNTER: Not to my knowledge.

The Hon. M. PARNELL: I thank the minister for that answer.

The Hon. I.K. Hunter interjecting:

The Hon. M. PARNELL: We will get there, minister. I will explore this a little further. The minister is not aware of any companies having told the Stock Exchange that there is a problem. Is the minister aware of whether any of these companies have gone public in any other way with their

concerns? Have they expressed concerns through newsletters or through industry representative bodies? Is there any evidence—

An honourable member interjecting:

The Hon. M. PARNELL: Twitter, as the honourable member interjects. Is the minister aware of any communications from the mining industry, its representative groups or persons connected with it, drawing attention to a problem that needs fixing?

The Hon. I.K. HUNTER: Mr Chairman, just late in I have been handed some advice that tells me that Santos has raised this issue with the government and the opposition. That is all I know.

The Hon. M. PARNELL: Does the minister's advice say when that was raised?

The Hon. I.K. HUNTER: It does not.

The Hon. M. PARNELL: Is the minister aware of whether any of the companies—and I will pause at this point. We do not know who all these companies are. My colleague the Hon. Tammy Franks asked about the 200 licences—we have more answers.

The Hon. I.K. HUNTER: Perhaps I could assist the honourable member on this. I have been given some advice over the meal break in this regard: I am advised that there were 196 transitional petroleum production licences, 193 of those were or are held by the Santos-led Cooper Basin producers, comprising PPL 6 through to 20, 22 through to 61, 63 through to 167 and 169 to 201. The remaining three were, or are, held by Air Liquide, PPL 21, and the Origin Energy-led JV, subsequently sold to Adelaide Energy, PPLs 62 and 168.

The Hon. M. PARNELL: What I take from the minister's response is that 98.5 per cent of the licences coming up for renewal are in fact Santos or Santos related. My next question is on the same theme. We know it is Santos, but the minister has mentioned some other companies as well. The minister is not aware of them having raised it with the Stock Exchange or in any other forum. He believes Santos has raised it with the government but he cannot say when. He does not know whether it was before or after the bill. I would ask further: is the minister aware of whether Santos, in particular, or any of its related companies, or any of the other three companies that he mentioned, have been denied finance, or have any of them had their credit ratings affected by the alleged uncertainty surrounding their licences, uncertainty that has been known for two years?

The Hon. I.K. HUNTER: How would I know that?

The Hon. M. PARNELL: I will answer the minister's question for him. He would know it because he said Santos has raised this with the government. He does not know when and he does not know what they said. If the minister has no idea about whether any company has been denied finance, then I will let that sit.

Putting all that information the minister has just offered us together, I could probably summarise it in one question: what evidence does the government have that there is any harm or material disadvantage at all that will befall these oil and gas companies if this legislation is not passed until the next sitting week of parliament?

The Hon. I.K. HUNTER: In response to the honourable member's question, as he knows, it has been drawn to the state government's attention that there are potential unintended consequences arising from the transitional provisions of the Petroleum and Geothermal Energy Act. The government has concerns that if the proposed amendments are not made many petroleum production licences could be found to be flawed on the basis of unintended legislative effect.

It is also my advice that SANTS has also suggested that the bill is unlikely to seriously impact on the petroleum industry, but we do not accept that suggestion. The petroleum sector has operated for decades under South Australia's straightforward regulatory regime, which offers security of title, a competitive royalty regime and expeditious land access that is fair to Aboriginal people and sustainable for development.

South Australia competes nationally and internationally for billions of dollars of petroleum investment, and the state's hard-won reputation as a safe and reliable investment destination cannot be underestimated. As a consequence, any factor which damages the state's reputation should be a cause for great concern. The proposed bill seeks to ensure that industry confidence in

the state remains and that fair and equitable outcomes are achieved for native title claimants, who will continue to have the benefit of the right to negotiate in relation to all new licences granted.

The Hon. M. PARNELL: Minister, in relation to the government's concerns that you have just outlined—concerns about the potential validity of licences—to what extent will those concerns be different in three weeks' time from what they are now and from what they were two years ago, when this was first raised? I really need to know why we are doing this now. How different will the situation be in three weeks compared to the situation today? Are there particular licences coming up that are of particular concern? What is the difference between doing it now or doing it in three weeks?

The Hon. I.K. HUNTER: The difference is that we know about it now and we need to be seen to be acting now. It is not a situation that we can let hang for three weeks. The state needs to be seen to be correcting an error that occurred in the legislation in, I think, 2000.

The Hon. M. PARNELL: What does the minister say to the claim that the real intention of this legislation is to kill the proceedings before the Federal Court?

The Hon. I.K. HUNTER: In response to the honourable member, I just reject his assertion.

The Hon. M. PARNELL: The minister might reject the assertion that the reason for the legislation is to kill the federal court case: does the minister accept that the outcome of this legislation would be to kill the court case?

The Hon. I.K. HUNTER: The court will apply the law as it stands on the date it considers the matter, is my advice.

The Hon. M. PARNELL: That is a very roundabout way of the minister saying yes. The minister wants the law that applies as at 8 October to be very different from the law as it may apply now. I want to change tack slightly and to ask the minister about the assumption that the minister says has existed for some 10 years. I will use the words of the minister in the other place just to be more accurate. He said in the lower house, in closing the second reading debate:

> All parties had assumed for the past 10 years, since the Petroleum and Geothermal Energy Act was enacted, that licences created under earlier legislation could be renewed without the right to negotiate applying.

The key things there are that all parties had assumed and the length of time being 10 years. First, I do not think all parties had assumed it; I think the government might have assumed it, and I will let that pass as a comment. I did not assume it. I have some form in this area, being one of only two people in this place who voted against the serious and organised crime bill, and subsequently bits of it were found to be invalid when it went to the High Court. So, I do not see myself as someone who has assumed for the past 10 years.

I will say that I have not put my mind to it a great deal over those last 10 years—I have in the last two days, however. In relation to the fact that it is 10 years, does the minister believe that, the longer an assumption is held, the more valid it is and the more deserving it is of correction? I draw the minister's attention to the doctrine of terra nullius, which managed to last for about 200 years before we realised that it was a load of codswallop.

The Hon. I.K. HUNTER: What can I say to that? I am not a lawyer.

The Hon. M. PARNELL: Okay; we will leave that there. Depending on the minister's answer, this is my final question under clause 1. It has been suggested to me that there are serious questions about the constitutional validity of this legislation. I also understand that retrospective legislation does not of itself cure constitutional invalidity. What specific advice does the government have on this matter?

The Hon. I.K. HUNTER: My advice is that counsel and the Crown Solicitor's Office have foreseen no constitutional problems.

The Hon. T.A. FRANKS: The minister will be pleased that we are running out of questions; however, one incredibly important question is along the lines of a previous question asked by my colleague, the Hon. Mark Parnell: what advice on this bill has the government received that it in fact complies with the Racial Discrimination Act?

The Hon. I.K. HUNTER: My advice, from similar advisers—Crown Solicitor's Office and, I imagine, counsel—is that there is no impact from that legislation.

The Hon. T.A. FRANKS: I understand there are 20 native title claims in South Australia as of June this year. It has been outlined that this bill will directly affect the Yandruwandha/Yawarrawarrka claim. Does it affect the other 19, which are as follows:

- Adnyamathanha No. 1
- Adnyamathanha No. 3
- Antakirinja Matu-Yankunytjatjara
- Barngarla
- Dieri Native
- Dieri No. 2 Native
- Eringa
- Eringa No. 2
- Eringa No. 3
- Far West Coast
- First Peoples of the River Murray and Mallee Region
- Gawler Ranges
- Kaurna Peoples
- Kokatha Uwankara
- Nauo-Barngarla
- Ngadjuri Nation
- Ngarrindjeri and Others
- Nukunu
- Ramindjeri
- The Arabunna Peoples
- The Wangkangurru/Yarluyandi
- Tjayiwara Unmuru
- Wirangu No. 2

The Hon. I.K. HUNTER: My advice is the legislation will apply throughout the state, but it is important to understand that the areas that are prospective petroleum are relatively limited in our state.

The Hon. T.A. FRANKS: On that, I advise the minister that I was in fact contacted by somebody who is involved with one of the other claims, and is a well-respected legal professional in this state, and he believes that the claim in which he is involved is affected by this bill. So, will the minister rule in or out that none of these other claims will be affected, or specify which ones are?

The Hon. I.K. HUNTER: I do not have the benefit of that advice.

Clause passed.

Clause 2.

The Hon. M. PARNELL: This is the clause that relates to retrospectivity which I referred to in my second reading speech, but I will partly blame the shortage of time we had to put our thoughts together, and now believe I might not have made myself as clear as I would have liked. In a nutshell, this question of retrospectivity cuts both ways.

The government's view, as I understand it, is that doing nothing would, in effect, be to retrospectively change the status quo, or what the government thought was the status quo for the past 10 years, by giving certain Aboriginal people rights that the government believed they did not

have. To cure the retrospectivity that comes from doing nothing, the government is proposing explicit retrospective legislation. That, in a nutshell, is the way I am thinking of it.

In terms of the first scenario I put, which was the idea of retrospectively changing the status quo by doing nothing, my question is: what is wrong with that? What is wrong with allowing these Aboriginal people to have the right to formally negotiate, and what is the government afraid will happen if Aboriginal people are given native title rights to negotiate? What is the main fear? The minister has talked about business confidence, and he has talked about the potential invalidity but, at its heart, what is wrong with, in 2012, allowing Aboriginal people to start negotiating over their traditional lands with these mining companies?

The Hon. I.K. HUNTER: My advice is that native title claimants have a right in relation to all new grants but there is a need to preserve the status quo in relation to pre-existing rights.

The Hon. M. PARNELL: What the minister is effectively saying, I think, in that answer is that the modern, more sympathetic laws will apply to new people who are applying for petroleum production licences, for example, but the government does not believe they should apply to what they consider are old licences. I put it to the minister this way. The licences, as I understand it, are primarily delineated by area. They are not delineated by the scope of activity, they are not delineated by the volume of gas that you are allowed to find and exploit, and they are not delineated by the number of roads that you are allowed to bulldoze.

In effect, activities taking place on the land now might be 10 times or 100 times more significant than they were 10 years ago. So, I will ask the question of the minister in a different way. Why should that not trigger the ability of traditional owners to renegotiate? Why is it not fair for oil and gas companies to have to negotiate with traditional owners under the provisions of the Native Title Act when they materially change their operations or undertake new ventures, albeit on the same area of land as their older licences?

The Hon. I.K. HUNTER: One response to such a hypothetical situation raised by the honourable member is that with modern techniques the impacts are less than they used to be in the past.

The Hon. M. PARNELL: A new area has arisen. The reason we are not going to allow Aboriginal people to negotiate is because environmental impacts are lower? Can the minister clarify that is exactly what he meant?

The Hon. I.K. HUNTER: I always get nervous when the honourable member tries to put words into my mouth. He has wrongly ascribed my intention. It really comes back to the sanctity of contracts and the continuity of rights. That is the issue. He raised a hypothetical situation and I raised a similar hypothetical situation that modern technologies have less impact than older technologies. That is all it was.

The Hon. T.A. FRANKS: Typically, bills come to us with commencement upon proclamation or on a set date. Why does this clause contain the words 'commencement on assent'?

The Hon. I.K. HUNTER: I am advised that this is not an unusual procedure. There is no more work to be done. Once this bill is passed there are no regulations to be made, and so it can proceed with assent.

Clause passed.

Remaining clauses (3 to 6), schedule and title passed.

Bill reported without amendment.

The Hon. I.K. HUNTER (Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (15:55): I move:

That this bill be now read a third time.

The Hon. M. PARNELL (15:55): I will make a brief contribution at the third reading to say to the council that, despite his attempts to answer the questions that we have put to him, the minister has not really answered the fundamental question that addresses the concern that the Hon. Kelly Vincent, the Hon. Tammy Franks and I had about the way in which this bill has been progressed through this chamber.

What is very clear from the minister's answers is that we have this panic of the government's own making that is not borne out by one skerrick of evidence from the mining industry that its livelihood, its share price, its ability to produce or that anything it is doing is under threat by this bill going through the normal process and being debated in the fullness of time rather than being rushed through today—not one skerrick of evidence to justify why we are rushing this through today. The outrage that I expressed at the start of this debate is not abated. This is an appalling process. The government, I think, should be ashamed that it has sought to bulldoze this legislation through parliament for purposes that are not supported by any of the evidence.

In terms of the actual merits of the bill, we still maintain our opposition to what the government is trying to do here. The government is effectively saying that reconciliation in this state is not worth the paper it is written on anymore. Given an opportunity to actually redress some of the wrongs of the past and at least allow some native title claimants to test the water in the courts as to the meaning of the legislation, the government is not even prepared to allow them that right; whether it is that it is too scared of the likely outcome or whether it is for other reasons, we do not know because we did not get straight answers from the minister.

From the Greens' perspective, we will be voting against the third reading of this bill, and we will be dividing on it as well.

The Hon. S.G. WADE (15:58): I just wanted to speak briefly at the third reading to reflect on the process again. Clearly, the opposition supports the bill. In spite of the fact that we were only given notice that the government wanted it through within one week—I think that the leader of opposition business in the House of Assembly only got notice on Monday night; I was not given it until Tuesday morning—we agreed to support the bill and agree to it receiving passage in the same week.

At least one crossbench member has commented on the fact that the opposition cooperated with this fast consideration. I do regret the fact that the government did not address this issue some months if not years ago, and this legislation could have been considered in an orderly fashion. However, what we did do to try to minimise the impact on crossbenchers was three things: first of all we opposed consideration of the bill on Wednesday morning so that crossbenchers and the opposition had more time to prepare; we insisted on offers of briefings for the crossbenchers, not just ourselves; and we have resisted suggestions that there might be a guillotine imposed.

I regret that the Legislative Council has been shown disrespect yet again by an arrogant government, but the opposition does what it can.

The Hon. K.L. VINCENT (15:59): I will just very briefly sum up. For reasons that I feel I have made quite clear today, I am not comfortable with the bill passing this week. I have not had adequate time to consider its true ramifications and I feel that I would be in blatant breach of my responsibility to the state as a member if I were to let it pass today. I concede that that is going to happen anyway, but I will certainly be voting against the third reading of this bill for that reason.

The council divided on the third reading:

AYES (14)

Bressington, A.	Brokenshire, R.L.	Darley, J.A.
Dawkins, J.S.L.	Finnigan, B.V.	Gazzola, J.M.
Hood, D.G.E.	Hunter, I.K. (teller)	Kandelaars, G.A.
Lensink, J.M.A.	Lucas, R.I.	Wade, S.G.
Wortley, R.P.	Zollo, C.	

NOES (3)

Franks, T.A.	Parnell, M. (teller)	Vincent, K.L.

Majority of 11 for the ayes.

Third reading thus carried; bill passed.

REAL PROPERTY (ACCESS TO INFORMATION) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 18 September 2012.)

The Hon. S.G. WADE (16:04): I rise on behalf of the Liberal opposition to indicate our support for the Real Property (Access to Information) Amendment Bill 2012. On 26 August 2012, the Attorney-General, John Rau, wrote to the Leader of the Opposition, the member for Heysen (Isobel Redmond) providing a forewarning to the introduction of the Real Property (Access to Information) Amendment Bill 2012.

I know that the Hon. Mark Parnell is so tempted to interject that this is the second example—two bills in a row where the government has not complied with normal parliamentary protocols. The Attorney requested that standing orders of the house be suspended on 4 September in order for the bill to be introduced on the same day as notice was given. This was despite the fact that it was drafted over two years ago on 19 August 2010. Yet, the government provided the opposition a week to consider it.

We support the need to expeditiously progress the bill through the parliament to minimise the risk of publicising the fact that the information about individuals at risk is presently accessible. However, we would remind the council that the bill had been drafted for over two years and, as I will indicate later, had been under discussion for 10. The need for expeditious passage through this parliament is clear, but the opportunities for briefing and consultation prior to its introduction were not taken up by the government.

This bill addresses the need for some names on the South Australian land information system to be suppressed. The registrar has received correspondence from individuals concerned that their residential address details may be accessible via a name search on the registry. The Liberal opposition recognises the real concern for privacy amongst individuals such as victims of domestic violence, officers of the South Australian police force and court officials. We believe it is appropriate that an individual is able to suppress their details on the South Australian land information system and keep their details confidential when their safety is at risk.

The bill allows at-risk individuals to apply to the Registrar-General for their details to be suppressed. If the Registrar-General is satisfied that allowing those details to remain searchable would place the individual's (or another individual's) safety at risk, the Registrar-General may take measures that they see fit to prevent or restrict access to those particulars. I remind the council that similar suppression powers are available under the Electoral Act, the Emergency Services Funding Act and the Local Government Act 1999. Importantly and appropriately, companies, associations and other incorporated bodies are not eligible for the suppression service.

We are advised that the change will cost approximately $50,000 and will take six months to implement. I commend the government for the fact that, unlike Western Australia, this service will be available without charge. The Attorney-General has consulted with the Registrar-General and, as a result, the procedure in this bill was selected from a range of options. The consultation occurred between July 2002 and February 2004; that is, eight to 10 years ago. Considerable time has passed and it is clear that this government has not progressed this issue in a timely manner.

Of the 57 consultation letters, briefing papers and questionnaires that the government sent out as part of its consultation, only 38 per cent of respondents supported the suppression of names. Fifty-seven per cent were of the view that, if the suppression of details was introduced, it should be determined by the judiciary and 29 thought it should be done by the Registrar-General. Seventy-three per cent of government agency responses indicated they had no alternative information other than names to search for the information they required. This is likely to have a significant impact, as 88 per cent of agencies indicated that they conducted name searches.

The government has known about this issue for years and the opposition regrets that it has been so slow to address the issue. Nonetheless, the bill is commendable and is supported by the opposition.

The Hon. I.K. HUNTER (Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (16:09): I thank the Hon. Mr Wade for his comments and his indication of support and I look forward to the speedy passage of the bill.

Bill read a second time.

Bill taken through committee without amendment.

The Hon. I.K. HUNTER (Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (16:11): I move:

That this bill be now read a third time.

Bill read a third time and passed.

STATUTES AMENDMENT AND REPEAL (SUPERANNUATION) BILL

Adjourned debate on second reading.

(Continued from 30 May 2012.)

The Hon. R.I. LUCAS (16:11): I rise on behalf of the Liberal Party to support the second reading of the Statutes Amendment and Repeal (Superannuation) Bill 2012. As the member for Davenport outlined at some length in another place, the bill covers a range of issues. I do not propose to go into all the detail that he did on behalf of the Liberal Party in indicating our support for those particular provisions of the second reading of this legislation. Suffice to summarise that in a number of areas the bill seeks to repeal parts of our legislation which are now superfluous as a result of decisions that the commonwealth has taken, particularly in relation to family law provisions.

It also repeals the state's Unclaimed Superannuation Benefits Act because the commonwealth government has again taken initiatives at the national level that all these unclaimed super moneys will be collected centrally by the Australian Tax Office. There are then a range of other technical provisions relating to the Triple S superannuation scheme for public sector workers, particularly in relation to interpretive rulings on allowances, over-award payments and payments made in lieu of leave being considered as ordinary time earnings. Then there are series of amendments, some of which relate to the election provisions for election of representatives to the Super SA board and the Funds SA board of directors, and regulation-making powers in relation to lost members in those particular ballots.

In all of those areas the member for Davenport has indicated that the Liberal Party is supporting the government's proposals outlined in the bill before us. The one controversial issue, and I think the only issue upon which the member for Davenport and indeed I have received any correspondence about, has been those sections of the legislation which relate to the Electricity Industry Superannuation Scheme (EISS). Those few avid readers of *Hansard* will note that I have the world's longest notice of motion in private members' business for the establishment of an—

The Hon. M. Parnell: Is that a challenge?

The Hon. R.I. LUCAS: That is a challenge to the Hon. Mr Parnell. It comprehensively beats anything he has ever done in terms of length of a notice of motion. I claim no credit for it at all. The member for Davenport in association with those activists who have lobbied strongly on behalf of this issue have drafted the notice of motion, and I filed the notice of motion on their behalf.

During that debate, I outlined the reasons for the disputation and the controversy about these particular provisions. Subject to a discussion with the member for Davenport, I will advise members that we will be seeking a vote on the next Wednesday of sitting on establishing the Ombudsman's inquiry.

Without again going into the detail—as I said, I can refer the few avid readers of *Hansard* to my brief comments during that particular debate, when I introduced that motion—essentially, what is now being agreed to by the government and the opposition, at least in part, is that the potentially controversial elements of this bill will be removed by the government's own amendments; that is, the government will move amendments during the committee stage to remove provisions in the bill that relate to the EISS.

That clearly leaves the option for the government at some later stage, if it so chooses, to introduce legislation which specifically addresses this particular issue, potentially in exactly the same way as was originally outlined in this bill. Or, hopefully, if the government is wise, if it is prepared to support the Ombudsman's inquiry, it could then introduce either its original intended bill or some amended bill if in fact the Ombudsman finds some validity to the claims being made by the advocates on behalf of the EISS issue.

Given that the government is going to remove or propose the removal of those particular controversial elements from the bill, the opposition will be supporting those amendments and

therefore will not need to prolong the committee stage of the debate by way of detailed questioning on this issue.

As an opposition, we are happy to leave the facts to be determined by the Ombudsman in his inquiry, and then—as I am sure the government can—the opposition will reserve its position in relation to the particular issues that have been raised by those who have concerns about the government's treatment of the Electricity Industry Superannuation Scheme. With those words, I indicate the Liberal Party's support for the second reading of the bill.

The Hon. R.P. WORTLEY (Minister for Industrial Relations, Minister for State/Local Government Relations) (16:18): I would like to thank the Hon. Mr Lucas for his contribution. This bill seeks to amend the following acts for the purpose of making amendments to the superannuation arrangements provided under those statutes: the Judges' Pensions Act 1971, the Parliamentary Superannuation Act 1974, the Police Superannuation Act 1990, the Southern State Superannuation Act 2009 and the Superannuation Act 1988. The bill also seeks to repeal the Unclaimed Superannuation Benefits Act 1997 and proposes consequential and technical amendments to the Subordinate Legislation Act 1978 and the Superannuation Funds Management Corporation of South Australia Act 1995.

The legislation contained in the bill will amend the Judges' Pensions Act 1971 and the Parliamentary Superannuation Act 1974 for the purpose of removing family law provisions that are no longer required as a result of the commonwealth Attorney-General prescribing the commonwealth's own method of determining the value of an accrued benefit or an interest that is still in the growth phase in terms of the Family Law Act 1979 in the commonwealth.

The bill also repeals the state's Unclaimed Superannuation Benefits Act 1997 and thereby enables state government superannuation schemes to be part of the commonwealth arrangements dealing with the central collection of unclaimed superannuation money and reuniting taxpayers with their lost and unclaimed superannuation money.

The bill also provides for the Treasurer to transfer to the Australian Taxation Office all the unclaimed superannuation moneys currently held by the state government. The legislation contained in the bill will also provide voting rights for spouse members of Triple S and persons who have invested money in either a Super SA income stream or a Super SA flexible rollover account, enabling them to take part in elections for members of the superannuation board and a member of the Funds SA board.

The legislation contained in the bill will also modify the definition of 'salary' under the Southern State Superannuation Act to ensure that employers' superannuation contributions payable to the Triple S scheme satisfy the commonwealth's requirement that they are based on employees' ordinary time earnings. The legislation contained in the bill will also amend the provisions for the Superannuation Act 1998 that deal with the situation where a contributor suffers from a reduction in salary, which is not due to disciplinary action taken against the contributor, to ensure that, if the former position held by the contributor no longer exists, the contributor will not be disadvantaged.

The bill also originally dealt with a proposal that schedule 1B of the Superannuation Act be amended to allow the South Australian Superannuation Board and the Electricity Industry Superannuation Scheme Board to enter into an arrangement that would enable persons in receipt of a taxed-sourced pension from the EISS scheme to be transferred to a taxed fund administered by Super SA. However, this provision has now been removed from the bill, pending an outcome of the proposed review into the benefit reduction formula which reduced gross benefits of EISS members, following the scheme's loss of constitutional protection and its consequential move into a taxed environment.

Finally, a further amendment is proposed to the Southern State Superannuation Act which relates to the government's proposal to introduce a tax-exempt public sector scheme by 1 January 2013. The new scheme is being introduced for the primary purpose of enabling state government employees earning less than $37,000 to take advantage of the new commonwealth low income earner superannuation benefit. The proposed amendment clarifies that, if an employee elects to move to the new tax scheme, state government employers will not be required to make employer contributions to both the new tax scheme and the Triple S Scheme but, rather, to the new tax scheme only.

Bill read a second time.

In committee.

Clauses 1 to 13 passed.

New clause 13A.

The Hon. R.P. WORTLEY: I move:

Page 6, after line 4—After clause 13 insert:

13A—Amendment of section 21—Payments by employers

(1) Section 21—after subsection (3) insert:

(3a) Subsections (1) and (2) do not apply in relation to a person who is a member of a prescribed scheme (irrespective of whether the person is also a member of the Triple S scheme).

(3b) If an employer is not required to pay an amount in relation to a person under this section because the person is a member of a prescribed scheme, any payment the employer is required to make on behalf of the person under the Commonwealth Act must be made to the prescribed scheme.

(2) Section 21(5)—after the definition of *employer* insert:

prescribed scheme means a superannuation fund or scheme prescribed by regulation for the purposes of this definition.

This amendment facilitates the introduction of a new tax exempt superannuation scheme by 1 January 2013 to ensure that employees of the state government, who are low income earners earning less than $37,000 per annum, will receive the new commonwealth low income earners' superannuation payment. In particular, the amendment provides a mechanism to ensure that upon the Triple S member electing to join a new tax scheme, there is no doubt that the state government employer of that member will be required to contribute only to that new scheme and not to Triple S.

The amendment ensures that if election is made by the member the employer is bound under the statute to contribute to the new tax scheme. Finally, the amendment ensures that the new tax scheme operates under the same sphere as the Triple S scheme in respect to employer obligations under the Superannuation Guarantee (Administration) Act 1992.

The Hon. R.I. LUCAS: As I indicated in the second reading, the member for Davenport has indicated that the Liberal Party will be supporting not only this amendment but all of the government's proposed amendments in the committee stage of the debate.

New clause inserted.

Clauses 14 to 17 passed.

Clause 18.

The Hon. R.P. WORTLEY: I move

Page 7—

Lines 11 to 13 [clause 18(1)]—Delete subclause (1)

Lines 16 to 21 [clause 18(3) to (5)]—Delete subclauses (3) to (5) (inclusive)

These amendments are to accommodate the removal of the Electricity Industry Superannuation Scheme. If these amendments are passed, the rest are consequential.

Amendments carried; clause as amended passed.

Clauses 19 and 20 passed.

Clauses 21 and 22 negatived.

Clauses 23 and 24 passed.

Clause 25 negatived.

Clause 26 passed.

Clauses 27 and 28 negatived.

Clause 29 passed.

Clause 30.

The Hon. R.P. WORTLEY: I move:

Page 30, lines 21 to 26 [clause 30(3)]—Delete subclause (3)

Amendment carried; clause as amended passed.

Clause 31 passed.

Clause 32.

The Hon. R.P. WORTLEY: I move:

Page 19, lines 31 to 35 [clause 32(1) and (2)]—Delete subclauses (1) and (2) and substitute:

Section 20B(1)—delete 'established' and substitute: managed

As the EISS amendments have been now put through, this deletes 'established' and substitutes 'managed' with regard to Funds SA.

Amendment carried; clause as amended passed.

Remaining clauses (33 and 34), schedules and title passed.

Bill reported with amendment.

The Hon. R.P. WORTLEY (Minister for Industrial Relations, Minister for State/Local Government Relations) (16:30): I move:

That this bill be now read a third time.

Bill read a third time and passed.

CHARACTER PRESERVATION (BAROSSA VALLEY) BILL

In committee.

(Continued from 19 September.)

Clause 3.

The Hon. D.W. RIDGWAY: This was a test clause for the opposition amendments. I indicated when we last sat I would not be moving the amendments deleting clause 8 from the government's bill which prohibits land subdivision; we would leave that in. Even though I was reasonably comfortable that our provisions would have left the current development plans in place, there was obviously some concern in the McLaren Vale bill that that was not secure enough, and that is why I have suggested that we will not be moving those amendments and give members some extra comfort.

Now that the representatives of Family First and the Greens are here, I would urge them to think long and hard about supporting this new proposition from the opposition. It does provide an opportunity to have smaller government and less government interference and leave it for the locals to manage. With those few words, I do hope that they see the wisdom of my new amendments and support them.

The Hon. I.K. HUNTER: The government still opposes the amendment. We note that the opposition has made some small changes, but it still has not fundamentally changed our concerns, and it will still have unintended consequences by setting up a stand-off between the state and local governments.

The Hon. M. PARNELL: The Greens have considered the position put forward by the Liberal opposition that, by removing the most offensive of the provisions, it may well open the door for us to be able to support the remainder of their amendments. Sadly, I have to say that that is not the case, and the position that the Greens are taking with this bill is the same position that we took with the companion McLaren Vale bill.

I might just say, to be really clear, the key elements of this bill—what we need to make sure we keep in place—are the sanctity of what I have been calling the 'Texta colour lines' (the boundary) and making sure that parliament does have the final say over that, and we need to make sure that subdivisions, which are the key driver of urban sprawl, are banned.

Whilst there is a whole range of other things upon which the Hon. David Ridgway and the Greens do agree, such as reforms that are necessary to the planning system—sadly, reforms that the Liberals have voted against over the last 6½ years whenever I have introduced them, but I think now that—

The Hon. D.W. Ridgway interjecting:

The Hon. M. PARNELL: The Liberals are slow learners, but they have seen that the Greens do have some good ideas in relation to planning law. When these reforms come back, I am sure that they will be looked upon favourably by the opposition, and they will be keen to have these new tools that the Greens envisage when they become the government. For now, the position we are taking on all of these amendments is that we will be supporting and opposing the amendments as we did in the McLaren Vale bill.

The Hon. R.L. BROKENSHIRE: I will not spend much time on this; I appreciate the genuine desire of the Hon. David Ridgway, from his point of view. This bill has a number of weaknesses which we have identified and, had the government looked at some of the things in the bill which I put up before the last election and which honourable members supported, it would have addressed quite a lot of that anyway, because it would have had local people actually involved in the long-term future of the character and preservation.

The government chose not to take that part of the bill that we had put up. On behalf of Family First, I cannot support any risk factors with respect to the key issue here; that is, to stop any further urban sprawl and subdivision. Therefore, Family First will not be in a position to support the Hon. David Ridgway. To expedite matters, Mr Chair, I advise you that, with the exception of possibly one amendment that we may look at during the deliberation on this bill, we will be putting up our amendments as they were passed with the McLaren Vale bill.

We will not be expecting to see amendments that I put up which were not passed—that will be status quo—as with any other amendments put forward by the government and the Greens. To summarise, we will be basically rubberstamping this one, with the work already having been done in the McLaren Vale bill.

The Hon. D.W. Ridgway's amendment negatived; the Hon. G.E. Gago's amendment carried.

The Hon. D.W. RIDGWAY: I indicate, in line with the Hon. Robert Brokenshire's indication, that I will not be moving any of my further amendments. That was a test clause to see whether we could get a much more sensible bill but, sadly, common sense will not prevail here today and we will be going down the government's path.

The Hon. I.K. HUNTER: I move:

Page 2, lines 16 and 17 [clause 3(1), definition of prescribed day]—Delete the definition of *prescribed day*

Amendment carried.

The Hon. I.K. HUNTER: I move:

Page 2, line 19 [clause 3(1), definition of relevant authority]—Delete:

or a provision of this Act

Amendment carried.

The Hon. I.K. HUNTER: I move:

Page 2, after line 21 [clause 3(1)]—After the definition of *relevant authority* insert:

relevant council means a council whose area includes part of the district;

Amendment carried.

The Hon. I.K. HUNTER: I move:

Page 3, lines 1 to 4 [clause 3(1), definition of residential development]—Delete the definition and substitute:

residential development means development primarily for residential purposes but does not include—

(a) the use of land for the purposes of a hotel or motel or to provide any other form of temporary residential accommodation for valuable consideration; or

(b) a dwelling for residential purposes on land used primarily for primary production purposes;

rural area means the area of the district not including townships;

rural living area means an area marked as a rural living area in the plan deposited in the General Registry Office at Adelaide and numbered GP 4 of 2012 (being the plan as it exists on 26 June 2012);

Amendment carried.

The Hon. I.K. HUNTER: I move:

Page 3, line 7 [clause 3(1), definition of township]—Delete 'the prescribed day' and substitute:

26 June 2012

Amendment carried.

The Hon. I.K. HUNTER: I move:

Page 3, line 9 [clause 3(2)]—After 'characteristics of the district' insert:

and locations within the district

Amendment carried; clause as amended passed.

Clause 4 passed.

New clause 4A.

The Hon. R.L. BROKENSHIRE: I move:

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

4A—Administration of Act

This Act is to be administered by the Minister responsible for the administration of the *Development Act 1993*.

The Hon. I.K. HUNTER: The government is supporting the amendment.

New clause inserted.

Clause 5 passed.

Clause 6.

The Hon. I.K. HUNTER: I move:

Page 3, line 31 [clause 6(1)(a)]—After 'rural' insert:

and natural

Page 4, line 3 [clause 6(2)(b)]—Delete:

or a township under this Act

Amendments carried; clause as amended passed.

New clause 6A.

The Hon. M. PARNELL: I move:

Page 4, after line 3—Insert:

6A—Development Plans relating to townships to be prepared or amended by councils

Despite Part 3 Division 2 of the *Development Act 1993* (including section 24(1)(fbb) of that Act), a Development Plan, or an amendment to a Development Plan, that—

(a) applies to any part of a township; and

(b) does not apply outside the area of the council where the township is located,

may only be prepared under that Division by—

(c) the council for the area where the township is located; or

(d) the Minister (within the meaning of that Division) acting with the consent of the council for the area where the township is located.

This amendment was successful in the McLaren Vale bill and I hope it is successful again today.

The Hon. I.K. HUNTER: During the debate on the McLaren Vale bill, minister Gago made clear the government's concerns with amendments being moved by the Hon. Mr Ridgway and the Hon. Mark Parnell. Both amendments, in the government's view (although we are dealing with the Hon. Mark Parnell's amendment now), will be problematic and unacceptable to the government.

By removing the ability for the minister to initiate a rezoning, they will, in effect, set up special enclaves within the two districts where the ordinary rules of the planning system do not apply. This would be unprecedented within our state planning system and, nationally, run counter to the leading practices recommended by the Productivity Commission. Minister Gago likened the amendments moved by the Hon. Mr Ridgway to setting up South Australia's version of Hutt River Province. I guess that the Hon. Mr Parnell's amendments could be said to be more like setting up the Vatican City State—smaller in scale but, at the end of the day, still effectively free of the rules that apply elsewhere.

The government's view is that even though the Hon. Mr Parnell's amendment is more limited in its effect than the altogether much more mischievous amendments moved by the Hon. Mr Ridgway, they would still set an unfortunate precedent that should be avoided. Because of this, we will be opposing them again in relation to this bill and in the other place in relation to the McLaren Vale bill, which this chamber passed, with amendments.

However, the government acknowledges that, in putting forward his amendment, the Hon. Mr Parnell was attempting to be an honest broker—who wrote this—and put forward issues that he as a member—

An honourable member interjecting:

The Hon. I.K. HUNTER: —they don't know him very well—with considerable experience in planning law, has observed in the planning system for sometime, particularly the processes around DPAs and the appropriate balance between state government, council and community interest and responsibilities in the planning system.

These are matters that the Minister for Planning has asked me to acknowledge that he takes seriously and would like to discuss further with the honourable member, and, indeed, any members who have an interest in how our planning system can be further reformed and enhanced. I note that the Hon. Mr Parnell in his remarks offered to sit down and work with all members to develop appropriate reforms to the system that would apply across the whole of the state.

That is certainly our preferred option, rather than these bespoke amendments which will create an administrative burden on the department to manage. Land use—

The Hon. S.G. Wade interjecting:

The Hon. I.K. HUNTER: Well, that's not me, is it? Land use planning is a core policy concern of this government, as members would know. For several years now we have driven an agenda of reform and change to our planning system that has earned this state respect and acknowledgment across the country, and we are absolutely open to continuing that process in consultation and partnership with members in this place.

Indeed, as members will note, the government yesterday announced that we will be bringing forward planning reform legislation to address issues in relation to housing approvals, enabling a more streamlined assessment process for low risk, low impact residential development, a very important reform and one that has been welcomed by the housing industry at an industry round table hosted by the Premier on Tuesday.

As I have already mentioned, the minister is prepared to sit down with the Hon. Mr Parnell and other members to talk about potential system-wide reforms to the planning system that could be pursued. Should discussions with members bear fruit with proposals acceptable to the government with broad cross-party support, the minister has indicated that he would be prepared to bring forward further legislation in due course.

However, the government cannot support an amendment at this stage which would effectively put in place an administratively burdensome bespoke amendment; and in the other place the cognate amendment passed by this chamber to the McLaren Vale bill will be opposed by the government. This amendment, as the Hon. Mr Parnell himself observed in debate here and the other day, is not the ideal way to address the system-wide issues he has raised.

Indeed, the Hon. Mr Parnell acknowledged that the amendment would not resolve the fundamental problem that minister Gago raised, which is that it would result in a Mexican stand-off. While this limits the potential for that—

The Hon. D.W. Ridgway interjecting:

The Hon. I.K. HUNTER: —'stand-off' is better—relative to the amendments moved by the Hon. Mr Ridgway, it would still represent a suboptimal outcome for planning in this state. I urge you to oppose the amendment.

The Hon. M. PARNELL: I was going to be quick, but I do need to thank the minister for his remarks and acknowledgment that the Greens do, in fact, know what we are talking about when it comes to planning. I do look forward to sitting down with the planning minister, but for now I will be—

The Hon. D.W. Ridgway: Not the shadow minister, just the minister?

The Hon. M. PARNELL: And the shadow minister. I am suggesting, yes, a multiparty round table to which other parties and Independents are invited. I am sure that we could do great wonders with the Development Act. But for now I will proceed with this amendment, and I am hoping that all those who supported the identical amendment in the McLaren Vale bill will continue to do so. The minister has said that it is likely to end up in a deadlock conference, well, so be it. Let us talk about it some more then.

The Hon. D.W. RIDGWAY: I indicate that the opposition will be supporting the Hon. Mark Parnell's amendment.

The Hon. R.L. BROKENSHIRE: As with the McLaren Vale bill, we will be supporting the Hon. Mark Parnell.

The Hon. A. BRESSINGTON: The same here.

New clause inserted.

Clause 7.

The Hon. I.K. HUNTER: The government opposes this clause.

Clause negatived.

Clause 8.

The Hon. I.K. HUNTER: I move:

Page 4, lines 8 to 12 [clause 8(1) and (2)]—Delete subclauses (1) and (2) and substitute:

(1) This section applies to a proposed development in the rural area that involves a division of land under the *Development Act 1993* that would create 1 or more additional allotments.

(2) A relevant authority (other than the Development Assessment Commission) must not grant development authorisation to a development to which this section applies unless the Development Assessment Commission concurs in the granting of the authorisation.

(2a) No appeal under the *Development Act 1993* lies against a refusal by a relevant authority to grant development authorisation to a development to which this section applies or a refusal by the Development Assessment Commission to concur in the granting of such an authorisation.

The Hon. R.L. BROKENSHIRE: I move:

Page 4—

Lines 8 to 12—After proposed new subclause (2) insert:

(2aa) If the Development Assessment Commission is the relevant authority, the Development Assessment Commission must not grant development authorisation to a development to which this section applies unless the council for the area where the proposed development is situated concurs in the granting of the authorisation.

Lines 8 to 12—Proposed new subclause (2a):

After 'Development Assessment Commission' insert 'or a council'

The Hon. R.L. Brokenshire's amendment to the amendment carried; the Hon. I.K. Hunter's amendment as amended carried.

The Hon. I.K. HUNTER: I move:

Page 4—

Lines 14 to 16 [clause 8(3)(a) and (b)]—Delete paragraphs (a) and (b) and substitute:

(a) is located in a part of the rural area other than a rural living area; and

(b) will create additional allotments to be used, for residential development,

Lines 23 to 34 [clause 8(5)]—Delete subclause (5) and substitute:

(5) If—

(a) after the commencement of this section, an application for development authorisation is made in relation to a proposed development to which this section applies; and

(b) the proposed development is located within a rural living area and will create 1 or more additional allotments to be used for residential development; and

(c) the provisions of the relevant Development Plan relating to the minimum size of allotments that are in force on the prescribed day (after the commencement of the operation of any amendments to that Development Plan that are made on that day) (the *prescribed allotment provisions*) provide for a larger minimum allotment size than the provisions that would otherwise apply in relation to the proposed development,

the prescribed allotment provisions will apply in relation to the proposed development despite the provisions of the Development Plan (to the extent of the inconsistency) and despite section 53(2) of the *Development Act 1993*.

Line 36 [clause 8(6)]—Delete 'designated' and substitute 'rural living'

After line 39—After subsection (6) insert:

(7) In this section—

prescribed day means the day on which this Act was introduced into the House of Assembly.

Amendments carried; clause as amended passed.

New clause 8A.

The Hon. R.L. BROKENSHIRE: I move:

New Clause, Page 4, after line 39—After clause 8 insert:

8A—Restriction on wind farms

Despite the *Development Act 1993*, a proposed development in the district consisting of construction of a wind farm is non-complying development for the purposes of that Act.

The Hon. I.K. HUNTER: The government opposes the amendment.

The Hon. D.W. RIDGWAY: The opposition is supporting the Hon. Robert Brokenshire's wind farm banning amendment.

The Hon. M. PARNELL: The Greens opposed it. My recollection is that it got up yesterday. It didn't get up? Well, we maintain our position; we are opposing it.

New clause negatived.

Clause 9.

The Hon. I.K. HUNTER: I move:

Page 5—

Line 2 [clause 9(1)]—Delete 'involved in the administration of' and substitute:

responsible for issuing statutory authorisations under

Line 4 [clause 9(1)(a)]—Delete 'a statutory authorisation under the relevant Act' and substitute:

such a statutory authorisation

Lines 8 and 9 [clause 9(1)]—Delete "obligations imposed on the person or body under this Act"

and substitute: objects of this Act in relation to the statutory authorisation

Amendments carried; clause as amended passed.

Clause 10.

The Hon. I.K. HUNTER: I move:

Page 5, after line 17—After subclause (1) insert:

(1a) In conducting the review, the Minister must (in such manner as the Minister thinks fit) consult with, and consider any submissions of, relevant councils.

Amendment carried.

The Hon. R.L. BROKENSHIRE: I move;

Page 5, lines 18 to 21 [clause 10(2)]—Delete subclause (2) and substitute:

(2) The review must include an assessment of—

(a) the state of the district, especially taking into account the objects of this Act and any relevant provisions of the Planning Strategy; and

(b) the family, social, economic and environmental impacts of this Act; and

(c) the impact of this Act on local government in the district; and

(d) any steps that have been taken or strategies that have been implemented to address any negative impacts of this Act,

and may include such other matters as the Minister thinks fit.

The Hon. I.K. HUNTER: The government supports the amendment.

Amendment carried; clause as amended passed.

New clause 10A.

The Hon. I.K. HUNTER: I rise to indicate the government will not be proceeding with its amendment. As indicated in the discussion on the McLaren Vale bill, the amendment being moved consistently to both bills was included in response to concerns raised by the Barossa Council about the potential for township growth within the boundaries established by the bill. Minister Gago indicated in that debate we believe these boundaries, which reflect those in the 30-year plan, are more than adequate to cater for likely growth over the next 30 years.

Indeed, some of the townships have had enough land to grow for 70 years based on historic growth trends. However, it has become apparent in that debate that there was some concern that this provision would invite the boundaries to be reviewed routinely and imply that they would be more fluid than the government intends. In reality, this five-yearly review would mirror the five-yearly review of the act set out in clause 11 and the five-yearly review of the planning strategy required under the Development Act. In that sense, the new clause was intended to clarify that the township boundaries could be reviewed as part of those processes.

The minister has reflected on these concerns and decided that, notwithstanding this was a matter requested by The Barossa Council, it is not needed to achieve the objectives of the bill and that the matter of the township boundaries is sufficiently addressed through these other processes. Accordingly, he has asked me not to proceed with the amendment, and the government will seek to disagree with the amendments to the cognate McLaren Vale bill in the other place, in addition to disagreeing with the new clause 6A moved by the Hon. Mr Mark Parnell and inserted by the council to that bill.

I want to emphasise so that there is no ambiguity that the issue of reviewing is not the same as the issue of approving a change. These bills make that clear. No change to these boundaries can occur without parliamentary consent through legislative amendment. The new clause 10A, which would have been inserted by the amendment that I will not now proceed with, would not have altered in any way this fundamental proposition.

Clause 11.

The Hon. I.K. HUNTER: I move:

Page 5, after line 27 [clause 11(1)]—Before paragraph (a) insert:

(aaa) make provision in relation to the referral of any application for development authorisation to the Development Assessment Commission for the purposes of section 8(2); and

(aa) prescribe fees in respect of any matter under this Act and provide for their payment, recovery or waiver; and

Page 6, after line 3—After subclause (3) insert:

(4) Before a regulation is made under this Act, the Minister must (in such manner as the Minister thinks fit) consult with, and consider any submissions of, relevant councils.

Amendment carried; clause as amended passed.

Schedule 1.

The Hon. R.L. BROKENSHIRE: There are two here which were consequential, and we won last time: [Brokenshire-1] 5 and [Brokenshire-1] 6. I move:

Page 6, line 6 [Schedule1, clause 1]—Delete 'responsible for the administration of the *Development Act 1993*'

Page 6, line 7 [Schedule 1, clause 1(a)]—Delete 'that Act' and substitute:

the *Development Act 1993*

Amendments carried.

The Hon. I.K. HUNTER: I move:

Page 6, lines 10 and 11 [Schedule 1, clause 1(b)]—Delete ' or a township, or part of the district or a township' and substitute:

, or part of the district

Page 6, after line 16 [Schedule 1, clause 1]—After paragraph (b) insert:

and

(c) (in such manner as the Minister thinks fit) consult with, and consider any submissions of, relevant councils in relation to the matters specified in paragraphs (a) and (b).

Amendments carried.

The Hon. R.L. BROKENSHIRE: I move:

Page 6, after line 16—Insert:

2—Application of Barossa Valley and McLaren Vale—Revised—Protection Districts

(1) This clause only applies to a proposed development on an allotment that existed on the prescribed day.

(2) If—

(a) it would have been possible to grant development authorisation to a proposed development in the district in accordance with the provisions of the applicable Development Plan as in force immediately before the prescribed day; but

(b) the proposed development would not be able to be granted development authorisation in accordance with the provisions of the applicable Development Plan as varied by amendments specified in the Development Plan Amendment,

those amendments will be taken not to apply in relation to the proposed development (and will be taken to have never come into operation in relation to the proposed development).

(3) If it would have been possible to grant development authorisation to a proposed development in the district in accordance with the provisions of the applicable Development Plan as in force immediately before the prescribed day, any subsequent amendment to the applicable Development Plan must preserve the ability to grant development authorisation to that proposed development.

(4) In this clause—

applicable Development Plan means the Development Plan under the *Development Act 1993* that applies to the location of the proposed development;

Development Plan Amendment means the *Barossa Valley and McLaren Vale—Revised—Protection Districts Development Plan Amendment* that came into operation on an interim basis under section 28 of the *Development Act 1993* in accordance with the notice published in the Gazette on 11 April 2012;

prescribed day means 28 September 2011.

The Hon. I.K. HUNTER: We are opposing this, I guess.

Amendment negatived; schedule as amended passed.

Title passed.

Bill reported with amendment.

The Hon. I.K. HUNTER (Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (16:58): I move:

That this bill be now read a third time.

Bill read a third time and passed.

INDEPENDENT COMMISSIONER AGAINST CORRUPTION BILL

Bill recommitted.

Clause 7.

The Hon. I.K. HUNTER: The government has a question which I would like to direct to the Hon. Mr Wade. The Hon. Mr Wade has stated that parliamentary confirmation is absolutely fundamental to the independence of an ICAC and that four out of five of them (meaning other jurisdictions that have an ICAC-type body in place, I imagine) require parliamentary confirmation. The other one requires parliamentary consultation. Could the honourable member please explain that statement? Which of the jurisdictions require parliamentary confirmation and which requires only consultation? Could the honourable member clarify exactly what he means by the term 'confirmation'?

The Hon. S.G. WADE: I am more than happy to answer the question but I remind the minister that it is not my amendment. It is not my bill. It is not my amendment. I am not sure in what capacity you are seeking to ask me the question.

The CHAIR: If you don't want to answer it, you don't have to answer it.

The Hon. S.G. WADE: I am happy to answer it.

The CHAIR: Perhaps you had better answer it.

The Hon. S.G. WADE: I just don't think it is orderly.

The CHAIR: Well, you can answer it. It is up to you. You said you are happy to answer it, so why don't you answer it?

The Hon. S.G. WADE: Okay, I will answer it then.

The CHAIR: If you are happy to, I would hate to make you sad. Be happy and answer it.

The Hon. S.G. WADE: I might just consult my colleagues. Is it orderly?

The CHAIR: I thought you said you were happy to answer it.

The Hon. S.G. WADE: I just don't want to set a precedent.

The CHAIR: You are not happy anymore.

The Hon. S.G. WADE: I don't want to set a precedent for the government to take the opportunity to debate issues that are clearly headed for a deadlock conference.

The CHAIR: You said you were happy to answer it. You are either happy to answer it or you are not happy to answer it.

The Hon. S.G. WADE: I will answer it.

The CHAIR: Okay. The Hon. Mr Wade is going to answer it.

The Hon. S.G. WADE: What I meant by parliamentary confirmation versus parliamentary consultation is that in those jurisdictions where a parliamentary committee or a parliamentary chamber has the capacity to veto an appointment, that is parliamentary confirmation. Where a parliamentarian only has the obligation to be consulted, that is parliamentary consultation. In the jurisdictions of New South Wales and Victoria, the parliamentary joint committee can veto the appointment and in Queensland the bipartisan support of the parliamentary committee is required for the nomination. Western Australia requires a majority of the standing committee and bipartisan support. In Tasmania it is a consultation context. The relevant minister is only required to consult with the bipartisan joint standing committee.

The Hon. T.A. FRANKS: I ask the minister: does that clarify for the government the difference between confirmation and consultation, and would that apply to other bills other than the one in front of us?

The Hon. I.K. HUNTER: I am advised that it has. We just needed to clarify what the honourable member meant in using the words 'confirmation' and 'consultation'. That has been helpful. We thank him.

The Hon. A. BRESSINGTON: I remind the minister that all that was laid out in my second reading speech and also when I moved the amendment myself.

The Hon. I.K. HUNTER: I would not want to ascribe the Hon. Ms Bressington's speeches to the Hon. Mr Wade and that is why we sought confirmation of what he thought.

Clause passed.

Clause 9.

The Hon. I.K. HUNTER: I move:

Page 15, line 30 [clause 9(1)]—After 'in writing' insert:

made at the time a person is appointed to be the Commissioner or Deputy Commissioner

This amendment clarifies that the pension scheme can only be applied to the terms of the commissioner's appointment at the time of his or her appointment.

The Hon. S.G. WADE: The minister failed to give the committee the background to this amendment, so I choose to do so. This amendment is a response to a question that I asked during debate on 4 September 2012. I asked: is it possible under clause 9(1) for the government's instrument to be used as an inducement to incumbents in terms of the application of the act during their term of service rather than at appointment? The Attorney-General's explanation, received by email on 17 September 2012, was:

Clause 9 was not intended to operate in the way that you suggest. It simply allows for the application of the Judges Pensions Act 1971 (the Act) as a condition of appointment. In the unlikely event of an ICAC reconsidering the conditions of his or her appointment, it is possible that a resignation and reappointment including the application of the Act could happen. If you seriously think that is a risk, we are happy to consider an amendment.

I do not recall having responded to that; nonetheless, I welcome the amendment and I support it.

Amendment carried; clause as amended passed.

Clause 54.

The Hon. I.K. HUNTER: I move:

Page 36, after line 7—Insert:

(2) Subsection (1) does not apply in relation to the publication of information in a report published by a parliamentary body or in a record of the debates or proceedings of a parliamentary body published by or under the authority of the body.

(3) If a person publishes, or causes to be published, defamatory matter in contravention of subsection (1), the defences to the publication of the defamatory matter that would, but for this subsection, be available to the person under section 25, 26 or 27 of the *Defamation Act 2005* (and any other defences to the publication of the defamatory matter that correspond to any of those defences) do not apply.

(4) In this section—

parliamentary body means the Legislative Council, the House of Assembly or a parliamentary committee.

Section 54 makes it an offence to publish certain types of information about matters before the commissioner. This amendment makes it clear that the publishers of *Hansard* will not commit an offence under section 54. There was concern that publishers may be captured under the bill. This clause also makes it clear that if a person seeks to republish information from *Hansard*, that is in breach of section 54 and is also defamatory. The person does not have a defence to a defamation action on the basis that the material was taken from *Hansard*.

It is a paramount feature of this bill that a person's reputation should not be damaged by reason of their perhaps entirely innocent involvement in an ICAC investigation.

The Hon. S.G. WADE: I rise to speak on behalf of the opposition on this clause. As I understand it, this amendment seeks to do two things. First, subclause (2) would create an exemption from the offence provisions for parliamentary publications such as *Hansard* and committee reports. This is a common-sense amendment and in many ways is effectively consequential to the first amendment to clause 5A moved by the Liberal opposition and supported by this council, in spite of the opposition of the government.

Since the amendment to 5A ensured that parliamentary privilege is maintained, this amendment is logically consequential. It follows that parliamentary proceedings and published statements made under that privilege should also receive the same protection. Of course, the government amendment to 5A had wanted to censor parliamentary proceedings by requiring the government to first approve their publication where they related to disclosure information about a real or potential ICAC investigation.

Before I go on to comment on subclause (3), I would like to remind the committee how recently this has been dumped on us. On Tuesday, I think it was, we received the first thought bubble about defamation; then yesterday, at 12.30 in the early afternoon, we had the next version.

The Hon. K.L. Vincent: Here we go again!

The Hon. S.G. WADE: Here we go again, as the Hon. Kelly Vincent says. This is hardly a situation where the parliament can properly consider details of the implications of a proposed amendment. The amendment appears to have widespread implications on the publishing of information by individuals, media and other government bodies. Given that the government did not consult any other members, as far as I am aware, about the wording of this subclause before filing it on Tuesday, and then revising it on Wednesday, I can only assume that the government is intent on forcing this bill to a deadlock conference to resolve any outstanding issues in relation to it.

In spite of the fact that the government brought this in after the first full consideration of the bill—in other words, this is more than an afterthought; it is almost like a thought from the grave—it has already generated great concern not just here but nationally. Let me quote from today's *Australian*:

> ICAC proposals 'akin to FBI under Hoover'
>
> Prominent corruption fighters have criticised the South Australian Labor government over its bid to abolish defamation protections in cases involving graft allegations made in parliament or in open court.

Mr Jerrold Cripps QC, the former NSW Independent Commission Against Corruption commissioner, a former judge and a former head of the NSW Police Integrity Commission, said that it was 'disturbing'. He went on to say:

> If they're going to say that anybody who repeats what someone has said in the parliament [can be accused], you might as well not have said anything in the parliament.

It went on:

> Douglas Meagher QC, who served as senior counsel assisting the Costigan royal commission, compared the level of secrecy for the proposed ICAC to J. Edgar Hoover's FBI.
>
> 'That's highly dangerous,' said Mr Meagher, who advised the Victorian government over the establishment of its own ICAC.
>
> 'Politicians think they know it all, but they don't. They know very little about it [corruption investigations] and they make silly decisions like that.'

Mr Chris Merritt, the legal affairs editor of *The Australian*, wrote a piece—and I should stress that this is a comment, not a piece of news—

The Hon. A. Bressington: He is a barrister.

The Hon. S.G. WADE: He is a barrister, I am told by the Hon. Ann Bressington. His piece was headed 'South Australian MPs' protest will go nowhere'. I will quote two excerpts. The first states:

> The legislation that will establish South Australia's anti-corruption watchdog is marred by what can only be described as a self-destructive obsession with secrecy.

I pause to remind honourable members that this ICAC is the only ICAC in Australia that has a ban on public hearings in relation to investigations. Extraordinary! Mr Merritt's article further states:

> This legislation ignores the lessons from other jurisdictions where abuse has flourished when institutions were exempted from the normal layers of oversight that are the core of liberal democracy.

It says a great deal about the nature of the times—and the nature of the South Australian government—that such an authoritarian approach is tolerated.

I now turn to questions. Is subsection (3) in the amendment specifically targeted at the reproduction of parliamentary material by the media?

The Hon. I.K. HUNTER: My advice is that the amendment is targeted at particular defences that are available to anyone. The amendment is not targeted at particular institutions.

The Hon. S.G. WADE: I will just preface my remarks in the context of the petroleum bill, believe it or not. In the petroleum bill we were told at very short notice that a bill that we thought we were going to consider on 16 October would be considered on 19 and 20 September. Accordingly, members had to brief themselves up very quickly and perhaps were not always as briefed as they would like to be.

Likewise, I would remind the government that you have dumped this on us in the last day or two. I do not profess to have received any advice from the government as to the reasons for these amendments. I have not had any opportunities for briefing. I have had very limited opportunities to understand the full ramifications of this amendment vis-a-vis the Defamation Act, so I will be asking a series of questions and I expect them to be treated with respect, in spite of the disrespect this government has shown us in the way they have handled this amendment.

In that context, the questions may well reflect a lack of a full understanding of the Defamation Act, but that is your fault because this government fails to respect this council in the way that it handles amendments. If a person or corporate body reproduced parliamentary proceedings that related to material within the scope of clause 54, would they be committing an offence under subsection (1)? Would they lose the defence that is usually available to them under section 25 of the Defamation Act?

The Hon. I.K. HUNTER: In response to the question asked by the Hon. Mr Wade, I can advise that the answer is yes, but the honourable member ought to remember that, first, the matter must be defamatory and, second, there be no other defence available.

It is getting rather late for petulant displays, but let me say that the government has managed to brief other members of this chamber in time. If the honourable member wanted a briefing he could have availed himself of the one that was on offer. We also requested the Hon. Mr Wade to provide his questions in advance so that we could treat them with the respect that he is requiring, but he refused, so we are dealing with them as best we can now.

The Hon. S.G. WADE: I would certainly welcome the contribution of any member in the chamber who was offered a briefing from the government in relation to this clause. I might pause and give members that opportunity before I resume my other comments.

The Hon. A. BRESSINGTON: First of all, I would like to make the point that, to my knowledge, we were not offered a briefing. We were handed an amendment, and then an amendment to the amendment. That was while I was in the chamber. To the best of my knowledge, neither my staff nor I were offered a briefing or an explanation. There was no explanation attached to the amendment that we received. The honourable minister has made an assumption that, as far as I am concerned, is absolutely wrong.

The Hon. I.K. HUNTER: I did not want to get into personalities, but I would suggest that the Hon. Ms Bressington should check with her staff.

The Hon. A. Bressington: I was in a meeting with the Attorney-General. There was no briefing on this amendment.

The CHAIR: Order!

The Hon. I.K. HUNTER: I reiterate that she should check with her staff.

The Hon. S.G. WADE: Let me assure the committee that I did not receive an offer of a briefing in relation to this section. I received an invitation to submit in advance questions in relation to it, which I find incredibly arrogant. After all, this is the government that demanded that we pass the petroleum act in the week that it was tabled, such that I needed to put aside the ICAC Bill so that I could give attention to the petroleum act. Then they filed two different sets of amendments on Tuesday and Wednesday. Then we have the situation where I am working on the questions and I am asked to pass on the questions. I find that extraordinary.

I have never been told by a government in the past, 'Don't expect to ask questions without notice on the clauses; you have to put them in writing in advance.' I ask this minister to perhaps take a humble pill. It is actually displaying within a day more arrogance than Gail Gago showed in a year. I will not forgo my rights as a parliamentarian to suit the convenience of this minister.

The Hon. I.K. HUNTER: I think it is way past the Hon. Mr Wade's petulant hour; he should take a chill pill. The assistance the office was availing the Hon. Mr Wade of was to get in his questions in advance so that we could give him the respectful responses he is requesting; that is all.

The CHAIR: Let us move along.

The Hon. S.G. WADE: I have more questions on this amendment; in fact, a number of questions on this amendment. Section 27 of the Defamation Act provides a defence for revealing information in proceedings of public concern, which includes parliamentary committees. While the committee's own publications will be protected by the amendment, can the minister confirm that the usual defences against defamation for people testifying orally before a parliamentary committee would not be available to them if they referred to information that had not been authorised by the ICAC commissioner? Is this the same for submissions provided to a parliamentary committee in writing?

The Hon. I.K. HUNTER: I am just waiting for some advice.

The Hon. A. BRESSINGTON: Just while we are waiting for an answer, I would like to let the minister know that I have just rung my staff member and, no, we were not offered a sit-down briefing about this amendment at any time.

The Hon. I.K. HUNTER: I have contrary advice.

Members interjecting:

The CHAIR: We agree to disagree.

The Hon. I.K. HUNTER: My advice is that evidence can be provided and a parliamentary committee can publish that information, but it is the republication of defamatory material that is covered.

The Hon. S.G. WADE: But the point is that, if a parliamentary committee chooses to publish a submission or release its oral evidence, is that a parliamentary proceeding or is that some other document? That is what I am trying to get at.

The Hon. I.K. HUNTER: My advice is that subsection (2), which says subsection (1) does not apply, goes on to talk about the 'publication of information in a report published by a parliamentary body or in a record of the debates or proceedings of a parliamentary body published by or under the authority of the body'.

The Hon. M. PARNELL: As with other members, I am struggling to get my head around the implications of this amendment which, I note, is labelled set No. 12. I note that set 7, set 8 and set 12 arrived in the last two days. I am not sure what happened to 9, 10 and 11. If other members have them, they could perhaps share them.

I am just thinking in terms of the publication of parliamentary material. I know the minister has a fondness for social media and for Twitter. There are at least two parliamentary committees that now have Twitter sites and on those Twitter sites they advertise witnesses who will be heard, hearings that will be held and presumably would be advertising the location of websites on which written submissions are published. What implications does this provision have for the parliament engaging with the community through social media?

The Hon. I.K. HUNTER: My advice is that publications by parliamentary bodies cannot form an offence under section 54. The form of the publication is irrelevant.

The Hon. S.G. WADE: Just to confirm that my understanding is correct, is it the government's view that the actual delivery of the oral evidence and the delivery of the written submission would be protected under privilege, as it is under clause 5(a)?

The Hon. I.K. HUNTER: My advice quite roundly is yes.

The Hon. S.G. WADE: My question is: would the usual defamation defences available under section 27 of the Defamation Act to people appearing in local government proceedings be removed by this amendment where it related to a complaint or report potentially tendered to the

ICAC, and could this possibly include a council or councillors disclosing that they had referred the matter on behalf of the council to the ICAC for investigation?

The Hon. I.K. HUNTER: My advice is that, if the honourable member is referring to council meetings, the same rules apply as to all other members of the public. There are no special privileges. If a council member was to commit an offence against section 54 there is no defence on the basis that he or she is a local government member.

The Hon. S.G. WADE: Given that the defences in section 25 of the Defamation Act also relate to court proceedings and clause 54 of the bill relates to matters that have been the subject of an investigation in the past, would the government's amendment mean that privileged court proceedings that result from an ICAC proceeding could no longer be published by the courts or media within the defences provided by absolute privilege? Is the government also saying that the courts themselves will lose their defences against defamation, leaving them liable if they publish judgements, sentencing remarks and other findings?

The Hon. I.K. HUNTER: I am advised that, if a court authorises a publication, an offence under section 54 would not have been committed.

The Hon. S.G. WADE: I gather that provides no assistance to the media that would currently be able to access fair reporting. Let us move onto the next one; we need to keep the questions moving. Would the amendment remove the defamation defences available to the Ombudsman under section 27 of the Defamation Act 1972 if they received a complaint or report from the ICAC commissioner and published a report about the subsequent investigation, as required, under the Ombudsman Act 1972?

The Hon. I.K. HUNTER: I am advised that the commissioner can authorise publication, first of all. Secondly, if the Ombudsman is required to publish such material by virtue of the Ombudsman Act, that publication would be an exception to the offence.

The Hon. S.G. WADE: On a number of the answers, the government seems to be focusing on the offences, whereas I am trying to focus on the defences. The Defamation Act, under section 27, provides:

> (2) It is a defence to the publication of defamatory matter if the defendant proves that—
>
> (a) the matter was, or was contained in, [a fair report of any] proceedings of public concern;

In terms of proceedings of public concern, the definition includes:

> (e) any proceedings in public of a court or arbitral tribunal of any country; or
>
> (g) any proceedings in public of a local government body of any Australian jurisdiction—

and there are numerous others, let me assure you—from (a) to (o). However, this amendment states, 'if a person publishes', etc., 'these defences do not apply'. We are very concerned about a last minute, slapped-together amendment being brought into this parliament by a government that does not believe in an open and transparent ICAC in the first place.

I have already quoted very senior people around Australia who have expressed concern about this amazing proposal. I would encourage the government to not think so much about the offences and what other provisions might help a person. This amendment attacks the defences, and we think that is very concerning. We are disappointed that the government is not able to more fully answer the questions. Will this amendment affect civil defamation proceedings in any way?

The Hon. I.K. HUNTER: I will attempt an answer. I am advised that an offence must be committed. That is the first point and is a trigger for everything else that follows. If an offence is not committed by the publication, all defences and a defamatory action are available. It is only when an offence is committed, so when the commissioner has not authorised, or a court has not authorised, or the parliament has not authorised publication, the offender will not be able to point to the *Hansard* and say only that 'the defamatory material was published there and I'm only repeating it'. With regard to a civil defamation process, the amendment will only have an effect when a person who has committed an offence against section 54 is the defendant.

The Hon. S.G. WADE: I note that, in the amendment immediately after the reference to sections 25, 26 and 27 of the Defamation Act 2005, there are words in parentheses, which say:

> (and any other defences to the publication of the defamatory matter that would correspond to any of those defences).

Can the government identify some examples of a defence outside the Defamation Act 2005 that would be affected by this amendment?

The Hon. I.K. HUNTER: I am advised that the Defamation Act does not override common law. It is common law defences that correspond with sections 25, 26 and 27 that are also excluded.

The Hon. S.G. WADE: That is the sort of information I would have liked to have received in a briefing. Would the amendment remove the defences available to a person under section 27 of the Defamation Act in an instance where a person publishes material that had previously been widely published in a newspaper but becomes subject to an ICAC investigation? This amendment is written so broadly. In other words, the same issue could be reported in the same way at two different points in time, but the defences available to that person would be no longer available to them once the ICAC commissioner decides to investigate a matter, is the apparent reading of the amendment.

The Hon. I.K. HUNTER: My advice is that the offence is inextricably linked with an ICAC investigation. If someone was to republish an article that had no reference to ICAC then there is no offence. If the article being published was printed some time before the ICAC then, of course, it probably would not mention the ICAC.

The Hon. S.G. WADE: I would like to turn my attention now to the substantive provision, clause 54. Can the ICAC commissioner give authorisations under clause 54 which might be to a class of people or to unspecified persons involved in specified activities?

The Hon. I.K. HUNTER: My advice is yes.

The Hon. S.G. WADE: I do not have any further questions on this clause.

Amendment negatived; clause passed.

Clause 58.

The Hon. I.K. HUNTER: Mr Chair, I think we are on clause 58 now and I understand the opposition wishes to put a question about this clause.

The Hon. S.G. WADE: Thank you, minister. The clause was explained in our last meeting, but I was wondering whether it is the government's intention to declare a scheme for payment to public office of legal costs otherwise not covered on a similar basis for members of the South Australian Public Service?

The Hon. I.K. HUNTER: My advice is that the answer is yes.

Clause passed.

Schedule 3.

The Hon. I.K. HUNTER: I move:

Inserted Division 2 section 15R [inserted section 15R(3)(b)]—Delete paragraph (b) and substitute:

(b) to obtain—

(i) information classified as criminal intelligence under an act; or

(ii) information the release of which—

(A) may, in the opinion of the Commissioner of Police, prejudice a South Australia Police investigation; or

(B) may, in the opinion of a person in charge of an investigation being carried out by another body established for law enforcement purposes, prejudice the investigation; or

The intent of this amendment to clause 50 of the schedule is to ensure that information that is classified as criminal intelligence or information which may prejudice a South Australia Police investigation cannot be provided to the crime and public integrity policy committee.

The Hon. S.G. WADE: Honourable members would have recalled the discussion about this clause on previous occasions. I would like to thank the officers of the Attorney-General and remind the government of the benefit of consultation with the opposition.

The Hon. I.K. HUNTER: We are always mindful of consultation, sir.

Amendment carried.

The Hon. A. BRESSINGTON: I move:

Delete my previous clause 68A relating to victimisation.

The Hon. I.K. HUNTER: I am advised that this clause was treated as consequential to [Bressington-2] 4 but it was not, in fact, consequential, so the government seeks a recommittal of this clause of the schedule. The government is opposed to the inclusion of an offence of victimisation of the Whistleblowers Protection Act because the government has already committed to asking the commissioner to conduct a review of that legislative scheme. The inclusion of a new offence within that scheme before a wholesale review of the act is not good practice.

The Hon. A. BRESSINGTON: Following negotiations with the government, I indicate that I would be seeking to have this section deleted, which would have made it a criminal offence to victimise a whistleblower under the Whistleblowers Protection Act. As members may recall, an identical offence inserted in the body of the bill which decriminalised the victimisation of someone assisting the commissioner will remain.

Whilst this will not capture everyone who may have relied upon the additional protection in the Whistleblowers Protection Act, it will nonetheless protect many whistleblowers who disclose corruption and maladministration to the commissioner or the Office of Public Integrity.

This compromise is reliant upon the commitment by the Attorney-General to have the independent commissioner against corruption undertake a review of the Whistleblowers Protection Act, a commitment that I have successfully sought to be codified in this bill. Given that every other state has an offence comparable to what I have proposed, I am confident that this review will recommend making it an offence to victimise a whistleblower, so I am moving to have that section deleted.

The Hon. S.G. WADE: I indicate that the opposition supports the government's suggestion that this be removed. We think it is appropriate to consider the whistleblowers act in a broader context. I should say that our support for the withdrawal is conditional on the maintenance of the review. We are very mindful of the fact that the Hon. Ann Bressington had commitments from this government to review the whistleblowers act as long as four years ago, I think.

We do believe that to hold this government to account you actually need something in legislation. We appreciate the argument of the government in terms of a rational reform of the whistleblowers act, including in terms of victimisation offences, so we support the Hon. Ann Bressington's amendment.

Motion carried.

The Hon. I.K. HUNTER: I move:

Inserted clause 68A (insertion of section 13) [clause 68A, inserted section 13(1)]—Delete 'after the commencement of this section' and substitute:

after the first appointment of an Independent Commissioner Against Corruption under the *Independent Commissioner Against Corruption Act 2012*

This amendment sensibly starts the time for the review of the whistleblowers act to after the appointment of the commissioner. I understand there is broad agreement for this.

Amendment carried.

The Hon. I.K. HUNTER: I will not be proceeding with amendment No. 2 [AgriFoodFish-8] and instead will be supporting the amendment which will be moved by the Hon. Ms Bressington.

The Hon. A. BRESSINGTON: I move:

Inserted clause 68A (insertion of section 13) [clause 68A, inserted section 13(3)]—Delete:

', within 12 months of the commencement of this section,' and substitute:

, within 12 months of the first appointment of an Independent Commissioner Against Corruption,

Amendment carried; schedule as amended passed.

Bill reported with amendment.

The Hon. I.K. HUNTER (Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (17:58): I move:

That this bill now be read a third time.

Bill read a third time and passed.

PLANNING REVIEW

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

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

(Continued from 18 July 2012.)

The Hon. CARMEL ZOLLO (18:00): I will respond on behalf of the government. Although the government welcomes the opposition's sudden and late interest in making Adelaide a more vibrant city, the government does oppose this motion because this is work that the government is already undertaking through a number of avenues. This government recognises that current laws present barriers to the creation and sustainability of smaller licensed venues in South Australia. We also know that these barriers have affected our local live music industry.

Already, the government has created a one-stop shop to help applicants find their way through the current liquor licensing system. This service is designed to encourage entrepreneurs who want to open new venues, particularly in the city. This case management service has been established within the Department of Planning, Transport and Infrastructure. The service has streamlined and simplified complex assessment processes by offering comprehensive advice integrated across government agencies. The service provides assistance across the whole process, from initial planning through to the opening and operation of the premises.

While judgements about the issuing of licences must be in line with legislation and regulations, the government recognises that we must provide sensible and easy to navigate processes. The government is also currently reviewing the Liquor Licensing Act to determine whether changes are required to encourage entrepreneurs to open small venues in Adelaide.

One only has to look at the way in which smaller licensed venues have revitalised parts of the Melbourne and Sydney central business districts. It has created vibrant spaces such as laneways that were previously unused or underutilised. Last year, members of the ERD Committee had the opportunity to travel to Melbourne, along with the Hon. Mark Parnell. I do not think the Hon. Michelle Lensink could attend at the time.

The Hon. J.M.A. Lensink interjecting:

The Hon. CARMEL ZOLLO: Yes, she had estimates. I hope it was worthwhile staying here. It really was interesting to see, in particular, what they have done in Melbourne.

In July, the government and the Adelaide City Council announced the closure of Leigh Street to traffic as the beginning of the revival of the city's laneways. Already, you can see how such a small change can help laneways grow into people-friendly places, with cafes, al fresco dining, and more. Such upgrades to laneways will eventually link our rejuvenated Riverbank Precinct with the Central Market.

The government also recognises the importance of having a thriving local live music scene here in South Australia. The chamber should note the recent announcement by the Premier of the appointment of Mr Martin Elbourne, an accomplished live music promoter, as a thinker-in-residence who has been given the task of reviving the local live music scene. Mr Elbourne will focus on issues such as venues and licensing opportunities for musicians as well as industry development. The government welcomes Mr Elbourne's experience in organising major festivals such as Glastonbury, and looks forward to the work which will be undertaken by working with the local industry to revive live music in South Australia.

Overall, while the government welcomes the Liberal Party's very late interest in making Adelaide a more vibrant place, however, to refer this issue to the Environment, Resources and Development Committee is simply unnecessary. There would be duplication on issues that the government is already responding to directly, as I have just placed on the record. The government looks forward to the support of the opposition for our initiatives to rejuvenate Adelaide.

The Hon. M. PARNELL (18:04): As a member of the Environment, Resources and Development Committee I heartily support this motion, and I know that my colleague the

Hon. Tammy Franks, who also has some portfolio responsibilities in this area, also supports this inquiry. I would just say by way of observation that, in relation to the Hon. Carmel Zollo's contribution, the government always says that it is thinking about it therefore the parliament does not need to. I do not accept that the government, having its own internal processes, is any reason for the parliament not to give thorough consideration to this issue.

I would also note that this particular inquiry will be very consistent with, sympathetic with and complementary to the urban density inquiry that is already underway, because part of looking at the way our cities function and how people live will be about how they entertain themselves and also how we protect people from invasive activities, especially noise pollution.

I think that the ERD Committee is an entirely appropriate forum to look at these issues, and I look forward to getting to work very soon on this new reference.

The Hon. J.M.A. LENSINK (18:05): I would like to thank the speakers, the Hon. Carmel Zollo and the Hon. Mark Parnell, who, like me, are members of the Environment, Resources and Development Committee; and also to echo the comments of the Hon. Mark Parnell that, yes, this is the typical response from the government that these inquiries are unnecessary.

I am not going to repeat all the remarks I made when I moved this motion, but I will just make a few additional points. I will repeat the point, however, that that particular committee is not overwhelmed with work, and I think that this would be a very useful term of reference for it, particularly if the government does come up with some legislative amendments to any of the relevant acts, whether they be heritage, liquor licensing and so forth. It is going to need the support of this chamber in order to get those through, so, if it wants to get some early buy-in, if you like, then it would be quite useful for that multipartisan committee to start examining the issues.

I am glad to see that the Thinker in Residence program is being axed. There are many words that I could use to describe it, but I think that a lot of people find it objectionable that the South Australian government under Labor feels the need to import so-called experts from overseas to tell us how we ought to be running our state and our city.

The Hon. J.S.L. Dawkins: And take up the jobs.

The Hon. J.M.A. LENSINK: And take up those particular jobs, as my honourable colleague remarks—not to denigrate in any way Mr Martin Elbourne who is obviously highly experienced, but he is going to be spending some time getting up to speed with how things are done here. There are a number of people in this state who could more than adequately give us some pointers, and I just point to the people who are involved in Renew Adelaide as a start.

Renew Adelaide had its AGM on 22 August, which I think was slated as a potential announcement the Premier was going to make about how to enliven our city through entertainment precincts and live music venues.

The Hon. R.I. Lucas interjecting:

The Hon. J.M.A. LENSINK: Slating the Jade Monkey, indeed. That was also the day that we learned about BHP Billiton's decision not to proceed due to some of the policies of various Labor governments, and so he was unable to make that announcement. There has been some delay. I have not seen any specifics. I think that the industry is not aware of any specifics that either the Premier or the minister responsible for liquor licensing, the Attorney-General, has come up with.

The codes of practice, which should have been enacted as a result of changes to the liquor licensing laws last year, are still yet to materialise. We keep hearing that the government is working on it, but we are not seeing anything of substance, which is really no surprise. The government speaker, the Hon. Carmel Zollo, had a bit of a crack at me by saying that we had a sudden and late interest. I would like to advise the house that this has been an issue I have taken some interest in; and the prompting, I must say, of my colleague the Hon. Tammy Franks has alerted me to some of the issues that have been happening. Indeed, she organised that wonderful tour that we had one night last year for several hours.

The Hon. Carmel Zollo: Did Isobel go with you on that occasion?

The Hon. J.M.A. LENSINK: No, Isobel did not come with us on that occasion. It was the member for Norwood, the Hon. Tammy Franks, me, my husband—

The Hon. T.A. Franks interjecting:

The Hon. J.M.A. LENSINK: The Hon. Kelly Vincent was going to attend but she was not able to. We did not come across any of the violence that people carry on about. In relation to that, I would like to just add—because it is something that we are all concerned about—that we also ought to be looking at the issues of the connection between alcohol consumption and violence, because we have seen some tragic incidents in this state. I note that they have not been in the hours when lockouts are proposed, and I think that those are very complex issues that deserve to be looked at in some detail.

Advocates on various sides are promoting various things. I think the truth is usually somewhere in between, but I think it would be very useful for a committee to look at those issues in detail so that we can perhaps come up with some recommendations that might actually be useful for the government. They might realise that they are not the fonts of all wisdom, and that a few other people around the place might have some idea about how to solve problems as well. With those comments, I commend the motion to the house.

Motion carried.

ADELAIDE UNITED FOOTBALL CLUB

Adjourned debate on motion of Hon. T.J. Stephens:

That this council—

1. Recognises—

   (a) that Adelaide United Football Club represents Adelaide and South Australia in a national sporting competition;

   (b) that Adelaide United Football Club represents Adelaide and South Australia in an international sporting competition outside of our national league;

   (c) the social, health and economic benefits that Adelaide United Football Club contribute to our state; and

2. Condemns the state Labor government for its current lack of support for Adelaide United Football Club.

(Continued from 5 September 2012.)

The Hon. CARMEL ZOLLO (18:11): Can I start by saying that it is really a shame that the Hon. Terry Stephens has framed the motion in such a way that it is not possible to support it without amendment. I therefore move:

Leave paragraph 1 as printed.

Paragraph 2—Recognises the state Labor government for its support for Adelaide United Football Club.

This amendment was circulated the other day. It goes without saying that the government is of course happy to recognise the Adelaide United Football Club's contribution to the state and its position as a South Australian representative in the A-League competition and its place in the Asian Champions League. It has been fantastic to watch the Reds perform well in its current champions league campaign after a pretty difficult domestic season.

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

The Hon. CARMEL ZOLLO: Well, they did not exactly lose last night. We will come to that. However, I do not accept the ridiculous notion put forward by the opposition that the state government does not provide support to the club, and as such I have sought to amend this motion. Once again, the opposition has not done its homework and is happy to put forward a motion in this place for political purposes. The Hon. Terry Stephens' assertions that the state government is not providing support to the club and in fact profits from the club are totally incorrect and reflect—

The Hon. J.S.L. Dawkins: What is the name of the team they played last night?

The Hon. CARMEL ZOLLO: Did you watch it? I watched it. I watched it on TV at any rate. His assertions reflect a lack of understanding and research by the honourable member. But we already know the opposition does not like facts, so we really should not be too surprised.

Let me take this opportunity to place a few facts on the table to help the opposition out on this one. We will start with a very basic one. Adelaide United plays its home games at Hindmarsh Stadium, which is without doubt a great place to watch a game of football; the real football, some people would say. You would hope so, given the Liberals' upgrade of the stadium in the late 1990s

cost them more than five times the original budget of $8 million, as well as costing the then tourism minister (Joan Hall) her job following a scathing report from the Auditor-General.

Anyway, I digress. Hindmarsh Stadium is indeed a fine venue. The state government owns Hindmarsh Stadium, with the Office for Recreation and Sport currently managing it on our behalf. The Adelaide United Football Club is a tenant at Hindmarsh, occupying office space and gymnasium facilities at the venue and surrounding precinct free of charge. The club does pay, as you would expect, a hire fee for use of the stadium on match days, whether they be A-League matches or Asian Champions League.

However, the state government does not charge AUFC (I will refer to them with their initials rather than using the full name all the time) anywhere near full commercial rent and is supporting the club with a deal that gives them every chance to be profitable. In fact, there is no doubt that the government gives Adelaide United one of the most generous stadium deals for any A-League team in the national competition.

The Hon. J.S.L. Dawkins: What was the name of that team they played last night?

The Hon. CARMEL ZOLLO: Don't you remember, the Hon. John Dawkins?

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

The Hon. CARMEL ZOLLO: I remember, too, and I will refer to them when I want to.

The Hon. J.S.L. Dawkins: Will you?

The Hon. CARMEL ZOLLO: I will, yes, if that's alright with you. Let's look at this deal a little more closely, just for the benefit of the opposition. Under the terms of the current hire agreement, AUFC pays a match-day hire fee of $22,000. This compares very favourably with hire fees around $100,000 per game in Queensland and Western Australia and is about one-third of the fee charged to Victorian clubs, so it is important to put these facts on the table.

For this hire fee, Adelaide United receives a string of benefits, such as revenue from match-day ticketing which, depending on their ability to draw a crowd, has been up to $70,000 per match; 20 corporate boxes to sell which, based on the offers on the AUFC website, have the potential to earn more than half a million dollars per season; the rights to sell and retain full revenue from stadium signage around the ground, conservatively worth between $100,000 and $250,000 per season, depending on the club's ability to sell this commercial property; and, as mentioned previously, the club's main administration building and gym space are provided free of charge.

Clearly this stadium deal is a very favourable deal for Adelaide United and indicative of a government doing everything it can to support the club in a national competition that is battling to achieve sustainability. Operating costs absorbed by the Office for Recreation and Sport that are not passed on to Adelaide United include security, pitch preparation and maintenance, pre and post match stadium cleaning and preparation, water and electricity, ambulance and St John's, ticketing staff, administration, media support, and stadium maintenance.

Apart from the heavily discounted hire fee that is paid by Adelaide United, catering is the only other source of revenue for government to offset some of the stadium operating costs. We should be very clear that every time the gates open at Hindmarsh for an Adelaide United game, the government is spending money not making it.

However, rather than addressing this situation by passing on all costs to the club, the government has made the decision to support them and support the sport of football in South Australia, as indeed we should. The government has now financially supported three iterations of the Adelaide United Football Club, and we have done so in recognition of the club's representation of South Australia in the national competition and, on occasions, the Asian Champions League. The state government will continue to assist Adelaide United but we cannot continue to underwrite stadium costs to the current extent.

The Hon. Terry Stephens suggests that the Minister for Recreation and Sport should engage with the club to discuss a new deal. If he had bothered to check, he would know the minister has already done this and, in fact, the terms of a new deal are ready to be signed off now, I understand, terms about which both parties are in agreement.

I am happy to advise that the Minister for Recreation and Sport has met with the Chairman of the Adelaide United Football Club and agreed on a new match-day hire rate of $25,000 for next

season. Whilst this is a slight increase from $22,000, AUFC will continue to have the most supportive and generous stadium arrangements of any A-League club, some of which are paying up to four times this amount.

Both the Office for Recreation and Sport and KPMG have recently reviewed other A-League stadium deals and both have reported that AUFC enjoys the most supportive and generous stadium arrangements of any A-League club. In fact, KPMG, as part of its review of Office for Recreation and Sport stadiums, has reported that the total cost to the AUFC of hiring the venue is considered significantly lower than the cost of comparable A-League franchises. Furthermore, during interviews with the CEO of AUFC, KPMG were also told that AUFC acknowledges it has lower fees than the fees paid by other franchises in Australia.

I thank the Hon. Terry Stephens for his comments, even though they are ignorant of the facts in relation to the fee charges. It has allowed the government an opportunity to reinforce once again the very strong support this government provides to the Adelaide United Football Club. The government has no problem whatsoever supporting the first part of this motion; however, I ask members to give the frivolous, unresearched second part of the motion the attention it deserves. Based on the facts I have just outlined, the government and I have no option but to amend the motion as I have to reflect the enormous support the government continues to provide to support the Adelaide United Football Club.

Finally, I take the opportunity to wish the Adelaide United team the best of luck for the Asian Champions League return leg with Uzbeki side Bunyodkor in Tashkent on 3 October. Because parliament rose early last night, along with I suspect most members, I had the opportunity to watch about three-quarters of the match when I got home and, like everybody else, I was disappointed with the red card incident. I really felt for Nigel Boogaard. Following last night's match, they are now locked 2-2. Bunyodkor, I think we all agree, will be no pushover. However, I am sure our boys will get the results they are looking for, with all of South Australia right behind them. I urge all honourable members to vote for this motion in the amended form.

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

GRAFFITI CONTROL (MISCELLANEOUS) AMENDMENT BILL

The House of Assembly agreed to the time and place appointed by the Legislative Council for holding the conference.

STATUTES AMENDMENT AND REPEAL (BUDGET 2012) BILL

The House of Assembly agreed to the time and place appointed by the Legislative Council for holding the conference.

ADJOURNMENT DEBATE

SNEATH, HON. R.K.

The Hon. I.K. HUNTER (Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (18:23): I know that there will be a time in this chamber for us to make more considered remarks about potential changes at the top. It may very well be that this is the last time that we see you gracing that chair.

The Hon. J.M.A. Lensink: Disgracing!

The Hon. I.K. HUNTER: Gracing.

The PRESIDENT: Disgracing!

The Hon. Carmel Zollo: Go on. Chuck her out for the last time.

The PRESIDENT: No, sit there and suffer.

The Hon. I.K. HUNTER: I will wait for any remarks that you might make to contradict any such suggestions, sir. But can I just say briefly now that you have made my first years in this chamber much more enjoyable than they otherwise would have been under the presidency of someone else. I can only remark that your consummate skill in judging the will of this council has rarely been off the mark, even when our voices were not raised as high as others you always called, if my memory serves correctly, for the right side of the debate.

The Hon. J.S.L. Dawkins: Whether it had the numbers or not.

The Hon. I.K. HUNTER: Well, you know, he had the right side. That is what he was after, so I commend you for that, sir, but also your deft touch in handling sometimes tense debates in this chamber, as evidenced today, in giving us all a bit of a reminder about where we should be concentrating our efforts and what would happen to us if we did not. Can I say I have never seen anyone exercise such skill at not control but guidance of what could otherwise be very disorderly members. So, sir, if it is—

The Hon. A. Bressington: Speak for yourself.

The Hon. I.K. HUNTER: I was. If it is the situation, and you will have an opportunity now to speak on this adjournment motion, can I say farewell and good luck with your retirement. We are looking forward to many shipments up here of local South-East lobster.

The Hon. D.W. RIDGWAY (Leader of the Opposition) (18:24): I was up in my office assuming that things would just peter out, as they always do on a Thursday evening, but I was delighted to hear that the Acting Leader of the Government was making some comments about your impending retirement, Mr President, and the rest of your life with Pam.

On behalf of the Liberal opposition (and I am sure other members will add to my comments), I would like to wish you all the best in the next phase of your life, if this is the last day that you will be in the chair, which I think it is. I would also like to thank you on behalf of the team here for the way you have discharged your duties and for the very fair and reasonable way you have presided over the Legislative Council for nearly seven years now; it is 6½ years that you have been in the chair.

I believe you have been a good President and have been fair and reasonable. I do not think there has ever been any question about moving any motions of dissent on any of your rulings. You have discharged your duties extremely well.

I also join with the Hon. Ian Hunter and hope that we do see regular shipments of South-East lobster back here for all of us to enjoy—maybe just an annual appearance of lobster at the President's Dinner just to remind us that you are still working hard for the Legislative Council. I thank you very much. You have done a wonderful job, and on behalf of the team I wish you all the very best in whatever lies ahead for you and Pam.

The Hon. D.G.E. HOOD (18:26): Mr President, I would also like to join in wishing you the most wonderful, relaxing, enjoyable and fun retirement. On behalf of my colleague—who is paired at the moment, otherwise he would be in the room—

The PRESIDENT: He's milking!

The Hon. D.G.E. HOOD: —I would like to thank you for the way you have overseen the chamber in the 6½ years I have been here. You are the only President I have known; I was elected and you were appointed President at that time—

The PRESIDENT: And I'm the best one you've had!

The Hon. D.G.E. HOOD: You are the best President I've had; that was going to be my joke. I think you have conducted the chamber fairly, and I think you have done it with a spirit of good humour about you, which we have all appreciated as well. I want to sincerely thank you for that, and wish you the very best.

The Hon. M. PARNELL (18:27): At risk of detaining the chamber a little longer, I would like to echo the remarks of all members who have spoken so far. It has been a pleasure to have you supervising our work. I am disappointed that I have not behaved so badly that you have ever had cause to throw me out; it was a challenge I had set myself! There is still time, but I have not managed to achieve that milestone.

Thank you for your impartial chairing of proceedings. Whilst there will be an opportunity later for more fulsome remarks, for today, on your last day, all the best. We look forward to seeing you back again shortly.

The Hon. A. BRESSINGTON (18:28): What more can I say, Mr President, other than what other members have said in here. I think you are going to be dearly missed and hard to replace. You have done your job fairly—except for the day that you threw me out! That was uncalled for, but we will have that debate another day.

I wish you all the best and hope that you have, as the Hon. Dennis Hood and everyone else has said, a great life after politics. Have a scotch for me, and pat your llama for me, and think

of me when you are driving around the country in your caravan! Good on you, and thank you very much.

The Hon. J.A. DARLEY (18:29): I, too, would like to echo the sentiments of other members of the chamber and thank you for all the work you have done for this chamber and also the Parliament of South Australia. On behalf of my staff and myself, I wish you and your wife all the best for your retirement in God's country at Beachport. Just remember, you are only a boy!

The Hon. CARMEL ZOLLO (18:29): Mr President, like everyone else I am saddened to understand that this is your last day as our President in the chair. As our President I have always found you to be balanced and fair with a really good wit and a great sense of humour. I believe you to be a man of enormous wisdom, competence and kindness; I have seen your kindness in action on a number of occasions.

I think your background and experience really has enriched this chamber, and I wish you a very long retirement full of good health, many happy holidays, including some great fishing along the way, and also to be able to manage as many hours as you choose in your garden and on your farm. I include your beautiful wife, Pam, in those comments and I know that your family will be very pleased to have you around a lot more and to have you home. I do believe that your presence in this chamber has enriched it and I thank you for your service.

The Hon. J.S.L. DAWKINS (18:29): Thank you, Mr President and I just take the opportunity to endorse the comments of my leader and other members of the chamber but, as the humble Opposition Whip, I wish to thank you for your cooperation with both the whips. That is probably largely because you are a past member of the whips' union, but I wish to put my thanks on the record at this time.

The Hon. J.M. GAZZOLA (18:30): I do not believe it until I see your resignation, and I do not believe this is your last day and most of the things I was going to say, the Clerk did advise, would be unparliamentary. However, may we wish you and your wonderful family—and I know how important they are to you—a very happy retirement, should you retire. May you enjoy your many grandchildren, your family, those alpacas, and I hope you do grow a few pigs that are going to go a bit longer than six months, sir. Enjoy your retirement and I look forward to catching up with you in a more social and hospitable session.

The PRESIDENT (18:31): Not that we haven't already. Thank you very much for your kind words, but I would like to get on the record my thanks to my staff who have been with me a long time, also the chamber staff, especially the Clerk and the Black Rod and those who work in the chamber—they have been wonderful assistants since I have been President and even before that—and all parliamentary staff.

Going right through parliament, I do not think I have had any heated arguments in my 12 years here with any staff. They have always been friendly, supportive and helpful. I think the South Australian parliament is blessed with very good staff and we are fortunate. We are also blessed with a very good restaurant—if you go to other parliaments—which I have always been proud to boast of, that we run ourselves. There can be improvement, of course, and I am sure along the way there will be some in that area.

I would also like to say special thanks to John Dawkins who has been a wonderful assistant to me when I needed a spell and I have really appreciated that. I have enjoyed over six years as President. I think I am the longest serving president since Arthur Whyte, which goes back to the eighties, which makes me feel very proud. It was time to retire. When I came into parliament 12 years ago, there had only been one president in my time and that was Jamie who was a Liberal president, a very fair president. Shortly after Jamie retired, I was at his funeral, and I thought it was not really fair that he got such a short retirement.

I do not aim to do that. I aim to live a fair bit longer, catch a lot of fish and do a lot of travelling within Australia, and find a few opals with a bit of luck and perhaps trip over a bit of gold or something with that new contraption Pam bought me to find something with that I have not found out how to use quite yet, but I will have to practise. I have been fortunate in my political career. I have met a lot of wonderful people and I have enjoyed the company of all the members who have been in this chamber—the ones who have left on all sides of politics, the ones who are still here and a lot even in the other place. I have enjoyed a lot of their company as well.

I have been blessed in politics because I have spent 10 out of my 12 years in government and I think that was very kind to me because there is no doubt, as some of you would know and

some of you will find out eventually, that government is better than opposition. I know the Hon. John Gazzola might retire in 2018 and he might be lucky enough to have all his 16 years in government. Who knows?

Thank you very much for your kind words. I will pass on your messages to Pam, and we look forward to seeing you from time to time. If any of you are ever at Beachport, you can come out and pull your own pot. I will make sure it is in the water for you and then you can cook your own cray and I will sit down and help you eat it. How's that? Thank you.

Honourable members: Hear, hear!

The PRESIDENT: So, are we going to adjourn the place or are we going to have a minute's silence for the President?

At 18:35 the council adjourned until Tuesday 16 October 2012 at 14:15.