LEGISLATIVE COUNCIL

Wednesday 14 November 2012

The PRESIDENT (Hon. J.M. Gazzola) took the chair at 14:16 and read prayers.

STATUTES AMENDMENT (NATIONAL ENERGY RETAIL LAW IMPLEMENTATION) BILL

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for Tourism, Minister for the Status of Women) (14:18): 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. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for Tourism, Minister for the Status of Women) (14:18): I move:

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

Motion carried.

GRAFFITI CONTROL (MISCELLANEOUS) AMENDMENT BILL

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for Tourism, Minister for the Status of Women) (14:19): I move:

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

Motion carried.

LEGISLATIVE REVIEW COMMITTEE

The Hon. G.A. KANDELAARS (14:19): I bring up the 17th report of the committee.

Report received.

The Hon. G.A. KANDELAARS: I bring up the 18th report of the committee.

Reported received and read.

PAPERS

The following papers were laid on the table:

By the President—

Alexandrina Council—Report, 2011-12

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

Reports, 2011-12—
- Dairy Authority of South Australia
- Fisheries Council of South Australia
- Primary Industry & Regions SA (PIRSA)
- Veterinary Surgeons Board of South Australia

QUESTION TIME

HOUSING SA

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:22): I seek leave to make a brief explanation before asking the Minister for Housing a question regarding a social commitment.

Leave granted.

The Hon. D.W. RIDGWAY: According to the Australian Human Rights Commission adequate housing is a fundamental human right. Jimmy Carter, the former president of the United

States of America, expresses the view that 'decent housing is not just a wish, it is a human right'. 'We are morally obliged to act, and should do so more urgently and effectively', he said in relation to providing homes for low-income earners.

Article 25 of the United Nation's Universal Declaration of Human Rights (which lists basic rights to which every human being is entitled and should have) is the right to an adequate standard of living, including housing. In the meantime, the minister will this financial year sell at least 793 Housing SA properties.

The South Australian Council for Social Service said that Labor had sold as many as 12,000 publicly-owned homes since taking office. Cabinet authorised the sale of 450 properties. The minister admits that he may sell hundreds more to reduce state debt, saying that, because the homes are being sold at the bottom of the market and below book value, he has had to sell more properties to reach the financial target. I might add that only an inept Labor government that is going broke would sell properties at the bottom of the market. My questions to the minister are:

1. How many homes will actually be lost to public stock this year?

2. How many people are on the public housing waiting list?

3. Who is right: the Australian Human Rights Commission, the former president of the United States, the United Nations or the South Australian 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) (14:25): I thank the honourable member for his most important questions. It must be said that the sale of housing assets is not a new government policy but is government policy that has been in place for some time. All governments of both persuasions have in the past taken decisions to reduce the Housing Trust debt, and the way they have normally done that is to make sales of Housing Trust properties.

The difference of course between former governments and this government is that we have actually prioritised the sale of those Housing Trust properties to existing tenants of the Housing Trust and to people on low and moderate incomes. I do not have the figures with me right now, but since we have come to government we have sold approximately 3,000 houses. Off the top of my head (I do not have the accurate numbers) in the last two years of the Liberal government they sold over 6,000. Where was their commitment to public housing? Where was their commitment to low-income tenants who want to get into the housing market by owning their own property?

This government is committed to providing social housing to a whole range of the South Australian public—social housing for people in the Housing Trust and social housing for people in the community housing sector. We also want to encourage people, through various instruments, including HomeStart and sales of public housing assets, to actually get into the housing market, get their feet on the bottom rung of the ladder and become home owners. That is what we try to do and what we will continue to do.

LOCAL GOVERNMENT FUNDING

The Hon. J.M.A. LENSINK (14:26): I seek leave to make a brief explanation before asking the Minister for State/Local Government Relations a question on federal government funding for local government.

Leave granted.

The Hon. J.M.A. LENSINK: I understand that in July the minister visited the South-East to discuss the federal government's $140 million local council funding and the continual lack of funding for the Mount Gambier council compared with other regional councils. In fact, Mount Gambier previously received $1.9 million in 2011-12 compared with $4 million for Port Pirie, $4.1 million for Whyalla and $3 million for Murray Bridge, which is interesting considering its large population size. The local council stressed to the minister that the shortfall was delaying major infrastructure projects in the area. I understand that prior to these discussions a review was conducted into the methodology behind the allocation of funds. My questions of the minister are:

1. Has the review been completed and, if so, what are the findings?

2. Has the minister been made aware of the 2012-13 funding allocations and, if so, has Mount Gambier's previous funding disadvantage been taken into consideration in the new funding allocations?

The Hon. R.P. WORTLEY (Minister for Industrial Relations, Minister for State/Local Government Relations) (14:28): I thank the honourable member for her question. As part of the 2012-13 federal budget, the Hon. Wayne Swan MP, Deputy Prime Minister and Treasurer, outlined that $2.2 billion in commonwealth financial assistance grants would be provided to local government across Australia in 2012-13 to assist councils with provision of services to their communities. In September 2012 the Hon. Simon Crean, MP, Minister for Regional Australia, Regional Development and Local Government, approved the South Australian Local Government Grants Commission's recommended distribution of financial assistance grants for 2012-13.

For 2012-13 local government in South Australia will receive $148 million in total, an increase of 3.6 per cent over 2011-12. Approximately 60 per cent of these grants will go to regional, rural and remote councils. South Australia's estimated funding from the federal government comprises $111 million for general purchase grants, an increase of 3.3 per cent, and $37 million for identified local road grants, an increase of 4.4 per cent. South Australia will also receive $16.9 million in supplementary local road funding for 2012-13.

Unique to South Australia, the supplementary local road funding was extended to 2013-14 and will provide approximately $50.9 million to South Australia over this time. For 2012-13, $1.12 million of the $2.2 billion that will be provided nationally was brought forward and paid—I think that should be $1.12 billion of $2.2 billion to be provided nationally—in the 2011-12 financial year. South Australian local government received approximately $75.4 million of the early payment in June 2012. Allocation of the brought forward payment was based on the approved distribution for 2011-12.

In November 2010 the then minister for state/local government, the Hon. Gail Gago, met with the Australian government Minister for Regional Australia, Regional Development and Local Government, the Hon. Simon Crean, to argue for continuation of the supplementary local road funding that is unique to South Australia. As a result of this meeting, in March 2011 the government wrote to the federal members of Port Adelaide, Wakefield and Hindmarsh regarding the necessity of supplementary funding continuing in order that this state receive its fair share of local roads funding.

I received notification from minister Crean on 24 August 2012 that the commonwealth will undertake a review of the financial assistance grants program, to be conducted in two stages and completed by December 2013. South Australian local government authorities must be guaranteed they will receive their fair share of financial assistance grants, including road funding, but I welcome the review and the opportunity to provide input for South Australia. As part of the consultation process I will be reiterating the issues I have previously raised with the commonwealth minister.

LOCAL GOVERNMENT FUNDING

The Hon. J.M.A. LENSINK (14:31): I have a supplementary. Given that the minister has not responded to any of my specific questions in relation to Mount Gambier, am I to assume that he is taking those on notice and will bring back a reply?

The PRESIDENT: That cannot be a supplementary if he has not answered.

The Hon. R.P. WORTLEY (Minister for Industrial Relations, Minister for State/Local Government Relations) (14:31): I will comment anyway, Mr President. The way the financial assistance grants are done is that part of the formula is based on the fact of providing a minimum basic standard of council services for councils within South Australia. That means that a remote council, like Orroroo Carrieton, which has a very limited capacity to raise rates and get money, actually gets a higher share or proportion than one of the inner city councils, which have a much greater capacity to raise money.

The Hon. J.S.L. Dawkins interjecting:

The Hon. R.P. WORTLEY: I am glad you get the big issues, John; I'm glad you really tackle the big issues. Your contribution is so valuable. What happens is that if there is a total pool of money, if a city that has the capacity to raise revenue by rates or whatever receives more money then less goes to those that cannot. It is just the way the formula is. So if more money was given to Mount Gambier—which, obviously, under the formula, has a certain capacity to raise money—less would go to those in Orroroo Carrieton or wherever. That would have a significant impact on the services they provide to their residents.

LOCAL GOVERNMENT FUNDING

The Hon. J.M.A. LENSINK (14:32): I have a further supplementary.

The PRESIDENT: Are you sure this is supplementary?

The Hon. J.M.A. LENSINK: I am pretty sure it is, Mr President, arising from the original answer. In my original question I referred to several rural cities and made a comparison between their funding and Mount Gambier.

The PRESIDENT: What is your question?

The Hon. J.M.A. LENSINK: I would appreciate it if the minister would give me a specific response, or get one of his staff to if he is incapable of reading through my question and giving me a specific response.

The PRESIDENT: I am not sure whether that was a supplementary speech or something. The Hon. Mr Wade, and no comments about my tie.

NATIONAL DISABILITY INSURANCE SCHEME

The Hon. S.G. WADE (14:33): I seek leave, in recognition of your tie, to make a brief explanation before asking the Minister for Disabilities a question relating to the NDIS.

Leave granted.

The Hon. S.G. WADE: At a recent conference Dr Simon Duffy of the Centre for Welfare Reform wrote that 'as it is currently imagined, I think that Australia is in danger of building the world's worst system of individualised funding'. The removal of the state's delivery systems is one of the key concerns that Dr Duffy has identified in relation to the NDIS. My questions are:

1. Can the minister advise whether he has raised any concerns regarding the loss of established systems with his federal counterpart?

2. What assurance has the minister received from his federal counterpart that, once the state passes responsibility for disabilities to the federal government, the state will not be required to later contribute to provide further funding?

The Hon. I.K. HUNTER (Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (14:34): I thank the honourable member for his important questions and, sir, I thank you for your sartorial elegance in the chamber today.

Members interjecting:

The Hon. I.K. HUNTER: Well, I think the President and I must shop at the same elite establishments. I hope I got mine cheaper than you, Mr President; I probably did. Sir, I am aware that Dr Simon Duffy—for honourable members who are not aware, of course, that we wear the orange ties today to honour—

Members interjecting:

The Hon. I.K. HUNTER: And orange shoes and other accoutrements—

The Hon. K.L. Vincent interjecting:

The Hon. I.K. HUNTER: The Hon. Ms Vincent reminds me that the colour of her hair means that she honours the work of the SES every single day—every single day—and we do as well today, sir. Back to the question: I am aware that Dr Simon Duffy has published some feedback regarding the NDIS on his website. It is feedback that he actually passed on to me and, as I understand it, also to the federal minister.

Dr Duffy is an independent consultant, and has provided independent feedback on the NDIS, which is of course in the early stages of its development. As honourable members would expect, I will certainly take on board the comments made by Dr Duffy. The commonwealth is taking the lead on the development of the National Disability Insurance Scheme, and a lot of the details are yet to be worked out—that is common knowledge—including the funding, governance and eligibility criteria, for example.

Negotiations between the states and the commonwealth continue, with COAG's Select Council on Disability Reform meeting in Canberra tomorrow to continue work on the NDIS launch

preparations. I am also advised that, if there are some concerns about extra funding, as the honourable member asked in his question, those extra funding commitments will be borne by the commonwealth.

SOUTH AUSTRALIAN WOMEN

The Hon. CARMEL ZOLLO (14:36): I seek to leave to make a brief explanation before asking the Minister for the Status of Women a question about the recognition of South Australian women.

Leave granted.

The Hon. CARMEL ZOLLO: The minister has shared her insights on the representation and recognition of women with us in this chamber before. Her commitment to recognising women at the state and national level is well known. The minister's commitment has been evidenced in the establishment of the Women Hold Up Half The Sky Award, and the ongoing importance of the Women's Honour Roll. Can the minister please tell the chamber about recent recognition of women from South Australia?

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for Tourism, Minister for the Status of Women) (14:37): I thank the honourable member for her very kind words. Members might recall back in 2009 I launched an information kit which was about recognising and celebrating inspirational South Australian women.

This kit was about providing information on how to pay tribute to the outstanding achievements of women by nominating them for prestigious mainstream awards, because the figures showed us that women were very much underrepresented in the awards systems. One of the reasons for that is because women were very much underrepresented in the numbers nominating for these positions, so we set about a strategy to try to increase the number of female nominations being put forward for these important awards.

As a result of this initiative, two women who have been included in the 2009 South Australian Women's Honour Roll were nominated to become finalists in the 2013 Australian of the Year Awards—Anna Kemp and Brenda McCulloch. I am absolutely thrilled to put on record my sincere congratulations to Anna, who was last night announced as South Australia's Local Hero 2013. The Local Hero Award recognises the enormous contribution of so many Australian citizens who work to make their local community a better place, and to help those around them.

The selection of Anna and Brenda as finalists shows that the Australia's Local Hero Award recognises that many women do contribute countless hours to assist others in the community. These two women are representative of the calibre of women who are included on our Honour Roll, and I certainly commend them on this achievement that gives them national recognition for their most important work.

Anna Kemp has worked for 33 years to improve the lives of women in prison and those returning to the community. In 2006 she established the Seeds of Affinity project, a sustainable business that is a haven of social support and safety. Women involved in the project produce a range of things like soap, hand creams, body lotion and such like.

Brenda McCulloch has worked in the kitchen of the Hutt Street Centre for 17 years, serving more than one million meals to Adelaide's homeless. She engages with communities and businesses to educate about homelessness. Brenda has built ongoing sustainable relationships with food providers, restaurants, schools and community organisations. I congratulate not just our two finalists from the honour roll but all of our South Australian nominees and winners. It was certainly a wonderful achievement.

I am also absolutely delighted to advise members that nominations for the 2013 Women Hold Up Half the Sky Award open on Wednesday 10 October and will close on Friday 7 December this year. I encourage members to consider nominating an inspirational woman and to share information about the award with constituents. As members may recall, the inaugural Women Hold Up Half the Sky Award was established and presented in 2011 to acknowledge the contribution of outstanding women in our community. The award is administered by the Australia Day Council of South Australia as part of their annual Australia Day Council awards, which include the Premier's Award for Community Service and the Minister for Education's award for excellence in multiculturalism and language.

The Women Hold Up Half the Sky Award recognises and acknowledges inspirational South Australian women who have made an outstanding contribution or given outstanding service to the community in a wide range of areas. These include education, health, fundraising, charitable work, voluntary service, disability, science—you name it and women have made an outstanding contribution.

I am very pleased to advise that I will announce the 2013 award on Australia Day eve next year at Government House. The South Australian Women's Honour Roll is also important and is now held biennially to ensure that we maintain an air of prestige around the event, making it a very special event every two years. It also enables us to link directly with other celebrations of women's achievements, such as the national awards and honours. Again, I extend my congratulations to those marvellous South Australian women who have achieved so much.

CHILD PROTECTION

The Hon. D.G.E. HOOD (14:42): My question is to the minister representing the minister for Families SA in the other place. Firstly, how many people actually staff the Child Abuse Report Line within Families SA and what is the cost of the employees in that area? What is the cost of servicing those employees and what are the other administrative costs within that department?

The Hon. I.K. HUNTER (Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (14:42): I thank the honourable member for his most important questions and undertake to take those questions to the Minister for Education and Child Development in the other place and seek a response on his behalf.

LOCAL GOVERNMENT AWARDS

The Hon. G.A. KANDELAARS (14:42): My question is to the Minister for State/Local Government Relations on the topic of Local Government Management Association Excellence Awards. Can the minister provide information on the state government's commitment to the financial sponsorship of the Local Government Management Association's 2013 Excellence Awards?

The Hon. R.P. WORTLEY (Minister for Industrial Relations, Minister for State/Local Government Relations) (14:43): I thank the honourable member for his very important question. I am delighted to advise that I have recently approved financial sponsorship for the LGMA 2013 Excellence Awards and, in particular, for the Management Challenge Award and the Partnership Growth Award, and jointly (with the Office for Women) for the Advancing the Status of Women in Local Government Award. The state government will be providing full financial sponsorship for two awards, being the Management Challenge Award for $6,500 and the Partnership for Growth Award for $6,500. I am pleased to advise that my agency will be providing joint sponsorship with the Office for Women for the Advancing the Status of Women in Local Government Award to the amount of $3,250.

The LGMA (SA) represents professionals working in local government in South Australia. Most local government chief executives and a number of senior managers are members of the LGMA in South Australia. As a membership-based organisation, the LGMA's main roles are to encourage professionalism and involvement in policy decision-making, provide a forum for discussion and networking between managers, and pursue the educational and professional development of members. The LGMA provides a range of professional development activities and support services for its members, including training and development, conferences and newsletters.

The LGMA Leadership Excellence Awards recognise outstanding and innovative leaders, managers and their councils in addition to emerging leaders. The program recognises excellence and contributes to the advancement and improvement of local government as a sector. The overall aim of the program is to raise the standard and quality of local government leadership and management across local government in South Australia; create public awareness of the level of expertise and excellence in local government; and recognise excellence demonstrated by individuals, teams and councils. I would like to congratulate the LGMA for their ongoing work, and I am pleased to have the opportunity once again to support the LGMA Leadership Excellence Awards.

BUSHFIRE PREVENTION

The Hon. A. BRESSINGTON (14:45): I seek leave to make a brief explanation before asking the minister representing the Minister for Sustainability, Environment and Conservation questions about bushfire prevention.

Leave granted.

The Hon. A. BRESSINGTON: As you may be aware, it was recently Bushfire Awareness Week, which is designed to encourage our constituents to prepare their bushfire survival plan and to ensure their properties are prepared, including reducing the vegetation fuel load on their properties. This event is jointly promoted by the Department of Environment, Water and Natural Resources, a fact that many in our farming community find deeply ironic, given their role in the recent out of control bushfire in Wirrabara Forest that was as a result of a prescribed burn they jointly coordinated with ForestrySA.

As I understand it, the local community, including farmers and even the ForestrySA staff on the ground, urged for the prescribed burn to be put off, given the weather conditions. It went ahead, regardless, and was out of control within 15 minutes of ignition and burnt some 800 hectares. Many also see it as ironic, given that the department seems to consistently work contrary to sound bushfire prevention principles in its interaction with farmers.

As an example, I recently met a farmer who had inadvertently contravened the Natural Resources Management Act 2004 by not having a $45 permit before undertaking a water-affecting activity, namely, desilting the creek running through his property to restore water flow as it had started to stagnate, an activity he has undertaken on his property for 30 years, and that source of water is also water that is used by bushfire fighters, when needed. Despite notifying the relevant natural resources management board prior to undertaking the work and not being informed of the requirement for a permit, this farmer was subsequently threatened with a $35,000 fine, and I have read the letter.

However, he was told that if he voluntarily undertook to plant some 500 shrubs and trees and fence off this creek, they would overlook his breach of the act. Many of these were the notorious *Acacia paradoxa* bushes which burn rapidly and intensify a bushfire and are labelled a 'fire risky' plant by the Adelaide Hills Council and which, given they will line the creek, would potentially prevent Country Fire Service access to the main source of water in a bushfire.

Another example is that of a landholder who is engaged in an ongoing dispute involving the natural resources management board and his local council. Given the restrictions being placed on the landholder concerning the clearing of near-surface fuel, such as dead trees and scrub, the landholder sought from the local Country Fire Service branch a bushfire risk assessment, a service they usually offer.

However, given the involvement of the NRM, the Country Fire Service officer was told to 'back off' and, as a result, the bushfire risk assessment did not go ahead. I might add I have been to that property—and this landowner lives in a gully where access is via a road that would be used by fire trucks—and I could barely get my car through because of the undergrowth and overgrowth covering that road. My questions to the minister are:

1. What coordination occurs between the Department of Environment, Water and Natural Resources, natural resources management boards and the Country Fire Service for bushfire risk assessments?

2. Given the experience of my constituent, will the minister undertake a review of what is occurring and take steps to clarify who is both qualified and authorised to give directions to farmers on bushfire preparedness?

3. What influence does the NRM exert in such matters and by what authority are NRM officers acting to force farmers to plant known fire-risky bushes and plants on their properties that are actually declared noxious weeds in other states?

4. Why would NRM officers be instructing farmers to then fence off their creeks to prevent stock and native animals, such as kangaroos, from drinking from these creeks until the vegetation is fully established?

5. Why should farmers have to bear the cost of erecting fences, often tens of thousands of dollars, on their own creeks preventing their own stock access to their water?

6. Who will bear the responsibility for houses lost in bushfires because of no access to water during bushfires?

7. What formal training do these NRM officers have to be giving such directives to farmers who have successfully managed their land and water use for generations?

The Hon. I.K. HUNTER (Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (14:51): I thank the honourable member for her very important questions around the issues of NRM and fires. I have some advice which the council might find useful in this regard. I am advised that the scope of the fire management activities of the Department of Environment, Water and Natural Resources (DEWNR), (formerly known as DENR) extends across all lands under the care and control of the Minister for Sustainability, Environment and Conservation under the National Parks and Wildlife Act 1972, the Wilderness Protection Act 1992 and the Crown Land Management Act 2009 and covers over 23 per cent of the state.

I am further advised that, in addition, DEWNR supports the South Australian Country Fire Service response to bushfire events through the provision of experienced and trained incident management personnel, firefighters and equipment. I am advised that comprehensive fire management plans developed by DEWNR for public land are risk based and provide the strategic direction for fire management activities necessary for mitigating the risks and impacts of bushfire on life, property and the environment. I am also advised that 14 fire management plans have been adopted across the state, covering approximately 49 per cent of DEWNR managed parks and reserves, a total of about 154 parks and reserves, I am advised.

I am further advised that four fire management plans are currently in development, covering the South Para area of the Mount Lofty Ranges, the central Eyre Peninsula, the northern Flinders Ranges and the Alinytjara Wilurara region. I am further advised that DEWNR successfully gained funding through the federally funded Natural Disaster Resilience Program (NDRP) to develop the Phoenix bushfire simulation model for South Australia to assist with modelling fire spread impacts and risks. I am advised that prescribed burning is a primary tool used by DEWNR to reduce fuels to modify fire behaviour and attempt to mitigate the impact of bushfires on life, property and the environment and to promote biodiversity and ecological sustainability.

I am advised that prescribed burning is conducted during the spring and autumn seasons when conditions allow for burn objectives to be met and operations can be conducted safely and responsibly. So, that goes to some of the issues raised by the honourable member in terms of mostly public land. Many of her questions go to private land, and those questions I will take on notice to the minister in the other place and bring back a response.

SNAPPER FISHERY

The Hon. J.S.L. DAWKINS (14:53): I seek leave to make a brief explanation before asking the Minister for Agriculture, Food and Fisheries a question regarding the statewide snapper annual spawning closure.

Leave granted.

The Hon. J.S.L. DAWKINS: Members may recall that on 18 October of this year I raised the inconsistency between the reduced charter, individual and boat limits for snapper over 60 centimetres under the new management arrangements. Those new arrangements set out that for a charter boat with four to six passengers the new restrictions set a limit of three snapper per boat. However, the individual daily catch limit on a charter boat carrying seven passengers or more is one snapper per person. The minister was unable to provide the reasons for the inconsistency to the council on that occasion. My questions are:

1. Will the minister clarify the basis upon which the determination was made to have different limits for charter boats carrying between four and six passengers and those carrying seven passengers or more?

2. Will the minister also clarify whether the snapper limits for the 2012 season will return to 2011 levels when the season opens in December 2013?

3. Are there any further changes the government intends to implement for charter boats from 2013?

4. Have those charter operators in the industry affected by the new limits been approached by PIRSA with a view to negotiating possible terms of compensation for lost revenue?

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for Tourism, Minister for the Status of Women) (14:55): I thank the honourable member for his most important question. The management of our fisheries is a critical issue for this state. We have many extremely successful commercial fishers, and the health of our fisheries is paramount to their businesses. It is an industry that generates a significant economic contribution to this state, so the management of the fisheries for the long-term sustainability of the sector is most important, and of course PIRSA has a very important role to play in assisting in that management.

It is absolutely in the interests of all, not just commercial fishers but others who have commercial interests through charter operations—it has a very important tourism value to this state as well—as well as recreational fishers. I think fishing is the single largest sporting activity participated in by a large number of South Australians. Many people enjoy fishing, and snapper is one of those iconic species. I am sure you would be well aware, Mr President, that it is quite a wonderful eating fish, so it has great importance to both the industry and the community.

There was a review of snapper management arrangements in South Australia which commenced back in 2011, so it has been going for some time. That is now completed, as I have reported in this place before. The review was initiated by PIRSA following concerns about the future sustainability of the fisheries as a result of increasing commercial catch and effort levels and also the practice of concentrated target fishing activity on breeding aggregations by all fishing sectors. So, even though a recreational fisher might not be taking much stock per boat from the water, the fact that the boat is going through a spawning area at a particular time of the year can disrupt spawning activities and have quite a detrimental effect on following years' biomass.

SARDI fisheries scientists have advised that available information indicates that there has been over-exploitation of a number of regional subpopulations in the fishery as well as poor recruitment or stock replenishment, particularly in the Spencer Gulf, since the last strong recruitment event, which was in 1999. So the performance of the snapper fishery is obviously strongly influenced by stock replenishment, which is variable from year to year. As a long-lived and relatively slow-growing species, snapper are also slow to recover from overfishing as well as rapid environmental changes when compared to some other species.

A number of new management arrangements were put in place—and I have been through those before in this place—which involve an extension of the annual statewide snapper fishing closure applying to commercial fishers. Recreational and charter fishers will be able to fish for snapper during a 15-day extension period, from 30 November to midday 15 December. However, during these 15 days, reduced snapper bag and boat limits will apply. Then, from the 23rd and onwards, the 15-day extension to the snapper fishing closure will apply to all fishing sectors, commercial, recreational and charter.

In effect, snapper fishing will be completely banned in all South Australian waters from midday 1 November to midday 15 December on an annual basis to afford increased protection of the spawning aggregations from disturbance caused by fishing activity. So, effective from midday 15 December, the daily commercial catch limit of 50 kilograms (reduced from 800 kilograms) will apply across all of South Australian waters to control the level of commercial impact. In addition, effective from midday on 15 December, commercial fishers will be restricted to using 200 hooks on set lines (reduced from 400 hooks) when operating in Spencer Gulf and Gulf St Vincent.

The introduction of these new fishing arrangements aims to control the level of commercial catch and to minimise disturbance. PIRSA will undertake additional work and community consultation on the development and implementation of snapper spacial closures to further protect selected key spawning aggregations in Spencer Gulf and Gulf St Vincent, which will be announced early in 2013. So, some of those discussions and consultations have already commenced, but we are looking at introducing further spatial closures. These new arrangements are in addition to the existing fisheries management arrangements, and we are aware of those: size limit, boat and bag limits and such like.

This is absolutely about the interests of the industry and the preservation of a species to ensure that it remains a sustainably commercial fishery, and a number of decisions were made in relation to that. We attempted to be as even-handed as we possibly could—the lightest touch possible—while, at the same time, putting adequate measures in place to address the data which came in which indicated the potential for over-fishing. So, a number of decisions were made. What I meant to say was that the reduction was to 500 kilograms from 800 kilograms, thank you,

Mr President. I accidentally said 50 kilograms, but Mr President, you would have known what I meant. I just needed to correct that.

We tried to share the burden as best we could, and we were very generous, I think, and responsive to the charter boat industry. When we initially announced the closures, the commercial charterers came to us and said that they had already taken bookings for the summer Christmas period. So, we listened to their concerns and gave an exemption for that period for this year to honour the commitments they had already entered into, but the quid pro quo was decreasing the bag size for those vessels to help overcome that. As I said, we made a judgement, weighing up the pros and cons, and tried to share the effort, if you like, across all of the sectors involved.

SNAPPER FISHERY

The Hon. J.S.L. DAWKINS (15:04): Supplementary question: will the minister give a commitment to bring back the basis upon which the determination was made to have a different limit for charter boats with four to six passengers as against the boats that are carrying seven passengers or more?

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for Tourism, Minister for the Status of Women) (15:04): The opposition complained about my lengthy answer given that this same question was asked not very long ago and I gave the answer then—it was a judgement call, it was a set of principles for the long-term sustainability of the fishery. So, I gave that answer then.

I answered the same question again after I had already answered the question, so I tried to give an even more detailed answer, and he still has not listened. There was a set of principles. We applied them as fairly and as evenly across the sector as possible to try to preserve the fishery into the long term. I can only repeat the answer, and I would hope that the honourable member would listen this time so that I do not have to repeat the same thing over and over again.

TULKA BUSHFIRE

The Hon. K.J. MAHER (15:06): My question is to the Minister for Communities and Social Inclusion. Could the minister please update the house on his visit to the fire grounds near Tulka yesterday and the recovery efforts in place to help those affected by the blaze?

The Hon. I.K. HUNTER (Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (15:06): The honourable member will be pleasantly surprised to know that I can and, more importantly, that I will.

The Hon. D.W. Ridgway interjecting:

The Hon. I.K. HUNTER: I am, David, and I may be to you yet again in due course. The Minister for Emergency Services (Hon. Jennifer Rankine) and I travelled to Port Lincoln on Monday afternoon and were briefed on our arrival on a number of fires that were still burning on various sections of the Lower Eyre Peninsula. The coordination between all the emergency services—the members of the CFS, SES, SAPOL and MFS—was truly outstanding and a credit to everyone who put their lives at risk battling fires on pastoral land and some scrub areas.

Although properties were lost in the fire near Tulka, about 12 kilometres south of Port Lincoln, our volunteers managed to prevent what could have become a larger disaster. I am sure that everyone in this chamber will join me in extending our sincere thanks to the men and women from those agencies—the CFS, SES, MFS and SAPOL—who have worked tirelessly over many days. Members will also note, of course, as was mentioned earlier today, the orange tie that the very, very sartorially elegant President is wearing today—and I am attempting to echo—in honour of Wear Orange to Work day for the SES Week.

On Monday night I visited Housing SA in Port Lincoln to ensure that staff there had all the resources they required to deal with people who had either been displaced or who somehow had been affected by the fires and needed assistance. Housing SA, of course, is the agency tasked with the responsibility of establishing the emergency relief centre at the local bowling club.

The leaders of the fire response team in the emergency centre wanted to make a point to me to pass on their thanks to the staff of Housing SA for their exemplary work in setting up that emergency centre. They staffed it immediately. They staffed it till after midnight, and fortunately and luckily no members of the public needed to take advantage of the services that they were providing that day and that evening.

I immediately authorised emergency payments that the government makes available to people in these circumstances. This includes a one-off payment of $700 per family affected, emergency accommodation grants, if necessary, and also the availability of substantial funds for essential household contents and for some structures that may not have been insured. We are working with the emergency services to make sure that these people are looked after should they need counselling or other forms of support. Over the last 24 hours I am told that three families have so far sought help from Housing SA.

I was also told anecdotally that one of the clients who came into Housing SA was telling their story to counter staff and making application to us for some relief. There was another member of the public in the office at the time waiting her turn to make application as well. She heard the story of the first person at the counter, left the office, went down to Woolworths and bought a $100 Woolworths gift voucher, came back and handed it over to the person in Housing SA and said, 'You need this more than I do. Please take it, and know that the community is behind you.' I think that is just an indication of the support that is in the local community of Port Lincoln for those who are facing adversity due to this natural disaster.

I toured the fire ground with CFS members, along with minister Rankine and the local member, Mr Peter Treloar, who is also I understand the shadow minister for emergency services. The impact of the blaze and the extent of its damage were quite confronting. The fire had ripped through more than about 1,800 hectares of private pastoral land, which was fringed by some scrub, I understand, and in its destructive path it decimated one house, 14 holiday-let cabins and a campervan, a caravan, several sheds and large amounts of fencing and four cars. I understand also anecdotally—I have not had it confirmed yet—that some amount of livestock damage was suffered as well.

One of the residents of the cabins—Malcolm is his name—told us that he had lived there for 20 years and could only look on helplessly as the blaze tore through the property, destroying his home and neighbouring holiday cabins. He said there was nothing he could do. He said, 'I always thought it would happen one day; I just didn't think it would happen to me. I've lost everything.' With no insurance Malcolm is now staying at a nearby cabin with no power, no food and his pet chihuahua. Housing SA immediately arranged for emergency supplies and food and some essential personal items to be delivered to him, and they are now liaising with him about helping with other safer accommodation options, should he wish to take them up.

We also went to the assembly point (or tent city, as it is often called) to meet with and express our gratitude to the exhausted volunteers and members of the fire service, many of whom worked for more than 24 hours straight. Men and women from the CFS, the environment department and MFS were extremely courageous and relentless on their front-line duties. I met with members from the Aldinga CFS and also the Tea Tree Gully CFS who told me of their 12-hour shifts, making sure the fires were burning inside the containment lines. Had it not been for their skill and dedication, the devastation to the community could have been greater.

Fortunately for everyone involved the winds abated yesterday and milder conditions enable crews to continue to maintain control lines and begin the mopping-up process. I understand the cause of the fire and the damage bill from the blaze are still being assessed, but again I place on record my thanks to all the volunteers who came to the support of their local community in time of need.

TULKA BUSHFIRE

The Hon. T.A. FRANKS (15:12): By way of supplementary question, as the minister observed the MFS and CFS firefighters fighting these fires side by side, did he observe the carcinogens differentiating between the paid and volunteer firefighters?

The Hon. I.K. HUNTER (Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (15:12): Unlike some members of this chamber, we base decisions in relation to the issue to which I think she is referring on scientific evidence, and that is how these decisions will be made into the future.

PORT PIRIE BLOOD LEAD LEVELS

The Hon. T.A. FRANKS (15:13): I seek leave to make a brief explanation before asking the Minister for State/Local Government Relations a question about the provision of information to local government.

Leave granted.

The Hon. T.A. FRANKS: The minister may be aware of a recent media report in *The Advertiser* on Monday highlighting the fact that a survey of lead contamination in Port Pirie—the largest survey, I understand, in 30 years—was recently undertaken by the Department of Health. It allegedly found that one in every five sites surveyed contained levels of lead in the soil above the nationally determined limit of 600 milligrams per kilogram. Some sites registered as high as 7,546 milligrams per kilogram, some 12½ times the national limit. It is clear that the lead contamination in Port Pirie is actually a serious issue and it has significant impact for the residents, especially children, in that community.

The media report—and I say 'allegedly' because the journalist indicated that they had not actually been able to secure a copy of the report, other than sighting it from a disgruntled state public servant—has not been publicly released. Certainly in the story it was indicated by the Mayor or Port Pirie, Brendan Vanstone, that he had not seen the report and he has indicated that he wishes to see it. My questions to the minister are:

1. Does he think that the Port Pirie council should have been provided with copies of this report and, if that is the case, why has this not occurred as yet, given that the results have been available, apparently, since as early as April this year?

2. Is the minister confident that the council in Port Pirie can, in fact, make informed decisions about what actions may or may not be required to safeguard the health and welfare of its residents, particularly the children?

3. Can the minister assure this house that he will immediately act to ensure that the provision of this report is made available to the council of Port Pirie? If he cannot, does the minister think this undermines his role as Minister for State/Local Government Relations?

The Hon. R.P. WORTLEY (Minister for Industrial Relations, Minister for State/Local Government Relations) (15:15): I thank the honourable member for her question. On 12 November 2012 *The Advertiser* reported that SA Health had conducted a survey of lead contamination in Port Pirie on 353 council-owned land sites, and found lead concentrations ranging up to 7,545 milligrams per kilogram, with 20 per cent of sites at about the safety level of 600 milligrams per kilogram.

The main aim of the survey was to ensure that SA Health's public health program to reduce children's blood lead levels remained focused on delivering strategies and interventions to families in the most affected parts of the city, where children are most at risk, and continued to deliver assistance to those most in need. To achieve this aim, a study of soil lead concentration gradients across the city, sampled from sites including footpaths, vacant land, public parks and nature strips, is being conducted by SA Health to:

1. determine if case management interventions and community lead exposure reduction strategies delivered by SA Health require modification to maximise effects to reduce children's blood lead levels;

2. understand more about the changing role of soil in lead exposure pathways as smelter lead emissions reduce; and

3. review designated high, medium and low lead exposure risk regions of the city that were informed by the last survey of this scale conducted in 1984.

I am advised that results from this survey cannot be extrapolated or used to predict lead concentrations in residential properties, because there are substantial differences in the concentrations measured over short distances and between different land uses in Port Pirie. I am further advised that results from this survey cannot be used to assess land exposure, risk or safety for the public at the sites, because the accessibility of soil has not been analysed at these sample sites. I am also advised that in many cases the soil is unlikely to be accessible and ingested at these locations. Ingestion is the primary route of lead exposure for children.

I am also advised that SA Health is proposing to work with the Port Pirie Regional Council to undertake investigations and exposure assessments—including the examination of existing barriers to bare soil such as grass, mulch, groundcover, etc.—at sites with lead concentrations above the national health investigation level, noting that this level cannot be interpreted as a safe level, as purported by *The Advertiser*; rather, it is a level at which a risk assessment is warranted. I am advised that the survey report is not finalised and therefore not currently available for release. Once complete, SA Health intends to present the report to the Port Pirie council and make it available to the public.

PORT PIRIE BLOOD LEAD LEVELS

The Hon. T.A. FRANKS (15:18): I have a supplementary question. When will that be?

The Hon. R.P. WORTLEY (Minister for Industrial Relations, Minister for State/Local Government Relations) (15:18): I suppose when it is appropriate for it to be released. I think I just said that this survey report is not finalised, and therefore not currently available for release. Once complete, SA Health intends to present the report to the Port Pirie council and make it available to the public.

COUNTRY HEALTH

The Hon. T.J. STEPHENS (15:18): I seek leave to make a brief explanation before asking the Leader of the Government a question about funding cuts to health services in Snowtown.

Leave granted.

The Hon. T.J. STEPHENS: The government recently cut $60,000 in funding for the running of Snowtown's emergency response health services. This has led the Clare Medical Centre to discontinue being a provider of these services due to unreasonable costs being imposed on it. This now threatens the longer term viability of the Snowtown hospital and leaves the town without adequate emergency services. My questions to the minister are:

1. Given the government has reneged on its decisions for the Keith, Balaklava and McLaren Vale hospitals, why is a similar decision now being made for Snowtown?

2. Does the Minister for Regional Development agree that hospitals are vital infrastructure for regional towns? If so, will the government commit to a reversal of this decision in the same way it did for those other regional hospitals?

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for Tourism, Minister for the Status of Women) (15:19): I thank the honourable member for his questions. This government has invested significant funds in the country to ensure patients receive medical care close to their homes and in modern facilities. Compared with the last year of the previous Liberal government's spending, spending on country health services has increased by $348.2 million, or a 91.5 per cent increase, compared to the final year of the last Liberal government. In 2012-13, the state government committed $728.5 million to public health services in regions in the country. I am advised that the following expenditure has occurred:

- an increase in haemodialysis activity in rural areas, up 17 per cent in 2011-12 compared to the previous year;
- the number of procedures conducted under the elective surgery strategy was a new maximum of 17,394 in 2011-12;
- $2.283 million was spent on minor works, with major expenditure for upgrades to emergency departments at Cummins, Mannum and Victor Harbor. In total, those upgrades were over $1 million;
- high voltage switch replacement at Port Pirie, just under $500,000; and
- other minor works projects totalling over $100,000.

In addition, $1.735 million was spent in 2011-12 to purchase biomedical equipment, including things like over $300,000 for the replacement of anaesthetic machines for Port Pirie, Gawler and Mount Barker; over $300,000 for monitoring systems for Port Pirie and Gawler; and just under $1 million for other biomedical equipment.

In relation to mental health, this government is also funding a total of 24 dedicated mental health beds in areas of country South Australia. These new beds will be located in hospitals at Port Lincoln, Whyalla, Berri and Mount Gambier. In country South Australia, intermediate care services are available for the first time to enable services to be provided closer to where people live. While facility-based services are currently being planned, non-facility places are now available in Mount Gambier, Whyalla, Port Augusta, Kangaroo Island and Port Lincoln. South Australia will also benefit from the commonwealth government's recent announcement of 159 beds and places for our state's mental health system.

Mr President, you can see that this government is indeed committed to ensuring good quality health services and good quality health care to our country regions. These things are most important and, as I said, we are very committed to ensuring good quality services throughout our regions. In terms of the operational decisions and the way priorities are set, they are obviously matters for our health department, but we try to ensure that services are accessible across regions in an attempt to ensure that people have the greatest ability to access a broad cross-section of good quality health services and care.

ANSWERS TO QUESTIONS

FAMILIES SA

In reply to the **Hon. R.I. LUCAS** (13 June 2012).

The Hon. I.K. HUNTER (Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers): The Minister for Education and Child Development has been advised:

Families SA is required under Section 38 (2) of the *Children's Protection Act 1993* to ensure that there is 'no parent, able, willing and available to provide adequate care and protection for the child'. For these reasons, from time to time, Families SA makes contact with individuals who have been identified as possible biological parents who may not be aware there are safety and wellbeing concerns for their child or children.

These processes seek to ensure both parents of children are aware that their child may require alternative care. The last thing we would want is a situation where a child was taken into alternative care and the second parent is unaware and may have been able to provide a loving, stable home.

In this particular instance, it should be noted that three letters not ten were sent out. Families SA does not keep data on these types of requests as they form part of standard case management practices. I am advised these are long-standing practices, operational for decades under both Labor and Liberal Governments.

MATTERS OF INTEREST

CHILD PROTECTION

The Hon. R.I. LUCAS (15:24): I want to talk about the sad case of the rape of an eight-year-old in a school facility whilst the Premier was the minister for education, and the equally sad case of the Premier trying to explain away either his negligence, incompetence, deceit or untruthfulness in relation to his handling of this particular issue. The Premier's position has changed almost on a daily basis. Originally he said he knew nothing of this particular issue and that there had been no advice provided to him or his office. As a former minister for education, I knew that that would be untrue. In fact, on the day that he said it, I tweeted that it would be untrue.

Within 36 hours the Premier came clean and indicated his next position which was that, yes, his office had been advised—his chief of staff, Simon Blewett, had been advised—but the Premier claimed that Mr Blewett had not informed him of the details of this crime being committed in a school facility. Mr President, as you would know, Mr Blewett is a long-time friend and factional colleague of the Premier's. He was in fact discussed as a potential candidate to replace the Hon. Bob Sneath in this place and is being looked on as a potential member of parliament, representing the left, on some future occasion.

We also know that minister Weatherill's adviser, Mr Jadynne Harvey, was also advised of this particular set of circumstances. The Premier wants us to believe that neither Mr Blewett nor Mr Harvey raised this issue at any time over a period of almost 12 months in their daily briefings with the minister for education. So, it was never mentioned at all in the daily briefing. When the minister visited the school in question, the chief of staff and the education adviser made no mention of this particular incident.

We are asked to believe that neither of those officers discussed the issue with the media adviser, Bronwyn Hurrell, another long-time friend and staffer of the now Premier, that perhaps there might be a question about the rape of an eight year old in a school and that that should be advised to the minister for education. I know, as a former minister for education, that something as serious as that would be advised to the minister for education, and should have been advised not

just by the minister's staff but also by the chief executive and senior officers who brief the minister on a weekly basis.

Every week there would be a briefing between the chief executive and the minister for education. The agenda for that meeting would be: what are the major issues of this particular week and what might be an issue in terms of public controversy? What the Premier wants us to believe is that on no occasion during that year did the chief executive or a senior officer ever at any stage say to the Premier, 'Look, by the way, this is what is happening with this particular offence that has been committed down at this school.' There was a change in policy between December 2010 and February 2012 in relation to critical incident reporting.

What the Premier would want us to believe is either that at no stage did he approve that change in policy or that, when the policy change was being discussed, he was not advised that some of the reasons for the change of policy were the events of December 2010, and that never at any stage did one of his officers raise the question, discuss the issue in the ministerial office or raise the issue with him during any particular discussion. This position of the Premier is impossible to believe. In fact, many journalists are saying it is impossible to believe and many parents in the community are also saying that it is impossible to believe.

The second issue I raise is the politicisation of the Public Service by the Premier's department. I have been advised of an email sent by the Deputy Chief Executive of the Department of the Premier and Cabinet, Tahnya Donaghy, headed 'A Switch in Time: restoring respect to Australian politics', which said, 'Did the Prime Minister's recent speech in parliament that went international strike a chord with you?' She then goes on to say that Mary Crooks of the Don Dunstan Foundation was coming to speak. This sort of politicisation of the Public Service through emails is unacceptable and certainly should not be sanctioned by the Premier and the department.

Time expired.

ROYAL FLYING DOCTOR SERVICE

The Hon. G.A. KANDELAARS (15:29): Recently, I had the great pleasure of attending the Royal Flying Doctor Service of Australia Central Operations Hangar at Adelaide Airport, where I met with John Lynch, the RFDS's CEO, whom I had previously met in February at the launch of the RFDS Men's Health Pit Stop Project at the Adelaide Produce Market. I was fortunate enough to have a tour of one of the RFDS's operational Pilatus PC-12 aircraft. We were shown through the PC-12 by a very knowledgeable RFDS senior flight nurse, Vikky Denny.

The RFDS has been providing the highest quality of care to the furthest corners of our country since 1928, delivering its services in South Australia since 1955 with the opening of its Port Augusta base. As part of the largest and most comprehensive aero-medical organisation in the world, RFDS Central Operations is responsible for delivering aero-medical and primary health care services throughout South Australia and the Northern Territory, where it operates three aero-medical bases at Adelaide, Port Augusta and Alice Springs. It also manages two remote primary health facilities at Marree and Tennant Creek. RFDS Central Operations maintains a fleet of eleven aircraft, four in Adelaide, three in Port Augusta and four in Alice Springs, and employs more than 100 staff.

The RFDS Central Operations provides tasking and coordination of its entire fleet throughout SA and NT from the RFDS Port Augusta Communications Centre, which also provides after-hours communications and tasking coordination for the RFDS Broken Hill base. The RFDS is the preferred provider of fixed-wing aero-medical services in South Australia and I applaud its continued high quality service in partnership with the Department for Health, SA Ambulance Service and MedSTAR.

Nationally, last year, the RFDS conducted more than 275,000 patient contacts. Every year, in South Australia alone, the RFDS provides 24/7 emergency aero-medical and primary health services to around 24,000 South Australians and visitors to our state. This means that every 20 minutes, somewhere in our state, the Flying Doctor is assisting somebody who is in need of medical care or treatment, including: aero-medical transfer of the sick or injured to a metropolitan hospital; immunising a child or consulting a patient at a remote fly-in GP health clinic; talking to someone face-to-face about a mental health issue; a health consultation over the phone with somebody who has an RFDS Medical Chest; providing access to a female GP in remote towns; or, transporting an organ recipient interstate to undergo a life-saving organ transplant operation. This is regardless of what time of day or night.

In the breakdown of patient contacts last year (2011-12) in South Australia, over 8,300 patients consulted at RFDS remote clinics, 54 per cent more than a decade ago; over 6,200 patients were transported by the RFDS aircraft, 46 per cent more than a decade ago; and over 435 patients were immunised at an RFDS remote clinic, 48 per cent more than a decade ago. The RFDS has expanded its traditional role to deliver a broad range of primary and preventative health care services to rural and remote communities. These include: a Healthy Living Program aimed at helping individuals in remote areas to adopt diet and exercise principles to support reductions in illnesses related to diabetes and cardiovascular disease.

An example was the launch of the RFDS Men's Health Pit Stop Project at the Adelaide Produce Market in February, where 150 of the workforce participated in a health screening program covering blood pressure, weight, flexibility, alcohol intake, diet and skin cancer checks. I understand that as a result of this event three participants were advised to see their GP within 48 hours. Another example is the RFDS's Primary Care Outreach Program which facilitates the provision of health clinics by physiotherapists, occupational therapists, diabetic educators and speech pathologists to rural and remote communities.

Time expired.

DIWALI FESTIVAL

The Hon. J.S. LEE (15:34): As the shadow parliamentary secretary for multicultural affairs, it is with great pleasure that I rise today to speak about Diwali, the 'festival of lights'. Diwali is celebrated in a big way in India, Nepal, Sri Lanka, Myanmar, Mauritius, Guyana, Trinidad and Tobago, Surinam, Malaysia, Singapore and Fiji. This festival is so significant that it is declared an official public holiday in these countries.

When I was a child living in Malaysia, it was one of the festivals that I really looked forward to, and I am delighted that this festival is celebrated as part of our multicultural Australia by many active members of the Indian community in South Australia.

Diwali or Deepavali, popularly known as the 'festival of lights' is a five-day festival of the Hindu calendar month. It is one of the most important festivals in the Hindu calendar and, this year, the festival was officially celebrated on Tuesday, 13 November 2012. I take this opportunity to wish members of the Indian community in South Australia and around the world a very happy and prosperous Diwali.

I place on the record my special thanks to leaders and organisations who have worked very hard to promote the spirit and celebrations in South Australia. Firstly, I would like to thank Mr Moti Visa from *Beyond INDIA* magazine and Mudra Trivedi from Mudra Dance Academy for inviting me to attend the inaugural Grand Diwali Mela, which was held at Victoria Square in Adelaide on Sunday, 21 October 2012. The organisers put on a spectacular multicultural program that day involving many local and international artists, as well as children's groups. The open concert in the heart of the city attracted thousands of people to Victoria Square. Everyone had a great time enjoying the sensational music, colourful costumes and Bollywood dance routines. It was a truly entertaining event that showcased the wonderful diversity of South Australia.

The second Diwali event I attended was the festival of lights Diwali dinner organised by the Punjabi Association of South Australia, which was held on Saturday 27 October. I was joined by my colleague, the member for Morialta, Mr John Gardner. It was a delightful dinner with members of the Punjabi Association delivering spectacular performances on the night and spoiling us with delicious cuisines. Special thanks and congratulations to the President, Dr Kuldip Chugha, his lovely wife, Mrs Gagandeep Chugha, and the committee for organising a wonderful Diwali dinner.

I am looking forward to the third Diwali event, the Indian Association of South Australia Annual Diwali Dinner Dance, which will be held next Saturday, 24 November 2012. I congratulate President Dr Surendra Agrawal and his committee for their wonderful efforts to celebrate Diwali and in keeping the traditions alive. I cannot wait to catch up with leaders and friends of the Indian community on this very special occasion.

The name 'Diwali' or 'Deepavali' translates into 'row of lamps'. Diwali involves the lighting of small clay lamps filled with oil to signify the triumph of good over evil. Families kept their house clean and these lamps were kept on during the night in order to welcome the goddess of wealth, Lakshmi. Diwali marks the end of the harvest season in most of India. Farmers give thanks for the bounty of the year gone by and pray for a good harvest for the year to come. Goddess Lakshmi symbolises wealth and prosperity, and her blessings will give reassurance for a good year ahead.

Firecrackers are used during Diwali, similar to the Chinese using firecrackers during Chinese New Year, to drive away evil spirits. During the Chinese New Year, very similar to Diwali, the celebrants and all of the families wear new clothes and share sweets and snacks with family members and friends. I would just like to wish honourable members and everyone in this chamber a happy and prosperous Diwali.

LIBERAL PARTY

The Hon. K.J. MAHER (15:39): I rise to speak on the need for leadership, unity and positive plans for our future. As students of economic history would know, following World War II, Allied Europe instituted the Marshall Plan to help the recovery and reconstruction of a divided, war-torn and devastated continent. That savagely divided, war-torn group, the South Australian Liberal Party, recently attempted its own Marshall plan but with far less success.

The Marshall Plan in Europe was not accepted by all of Europe. The Soviets were opposed to the Marshall Plan from the start and went about doing everything they could to undermine it. We saw the exact same thing in the Liberal Party: we saw the forces gather to stop the Marshall plan. We saw the opposition and its supporters do everything they could to undermine the Liberals' Marshall plan. They were out in the media, and they were backgrounding journalists against the Marshall plan. On 22 October, *The Advertiser* reported a number of comments the Leader of the Opposition herself made about her challenger. The report stated:

> Ms Redmond said that Mr Hamilton-Smith was the only Liberal in history to have challenged three times for the leadership and claimed his personal ambition was damaging the Party.

She went on to say:

> Whilst Martin has been painting himself as the great guru of policy, Martin is the only one of my Shadow Ministers not to have put down in writing any policies yet for the next election.

Just like the Soviets following World War II, many Liberals were doing everything they could to stop the Liberal Marshall plan. In post World War II Europe, some Soviet-aligned Eastern Bloc states, such as Czechoslovakia, initially agreed to attend meetings to negotiate and participate in the Marshall Plan but ended up not attending and completely rejecting the plan altogether. The former deputy leader, the member for MacKillop, was much like Czechoslovakia. He appeared initially to be on board with the Marshall plan.

This is confirmed by the fact that the member for Waite has told anyone who cares to listen in the last few weeks that the member for MacKillop was counted as one of his solid numbers, presumably in a desperate attempt to remain deputy leader. But when the Liberals' Marshall plan became clear, when the 'member for Dunstan' was clear that he was going to run for deputy leader, the member for MacKillop switched back to his original side. Just like Czechoslovakia, he showed real interest in changing sides but, when it came down to it, he did not have the conviction to stick to what he wanted to do.

As for the 'member for Dunstan' himself, the actual Marshall of the Liberals' Marshall plan and now deputy leader, when he was asked in interviews immediately after the leadership who he voted for, he refused to say—he refused to say who he voted for. There is a great deal of speculation within the Liberal Party that he actually may have voted for the current leader, despite running on a ticket against her. The speculation amongst the Liberals is that the motivation for this could have been a realisation that being deputy to the current leader would give him a much quicker opportunity to ascend to Liberal leadership himself.

General Marshall was awarded a Nobel Peace Prize for his efforts in Europe. However, the Liberals' Marshall, whose actions were far from noble, for his efforts he was not even awarded the shadow Treasury portfolio that he so coveted. Then there was a reshuffle straight after that that took weeks to decide and pleased no-one. It seems every Liberal member now has free range across all portfolios, except for one: in this chamber, the reshuffle again overlooked the Hon. Michelle Lensink, who is now the only member of the Liberal Party in this place not to have a portfolio.

They could not trust the Hon. Michelle Lensink with any responsibility, so they made her second in charge up here. However, there is a fundamental difference between the Marshall Plan for Europe and the Liberals' failed Marshall plan. The Marshall Plan for Europe was about creating jobs and rebuilding the economy. None of the Liberal Party's plans, including its failed Marshall plan, has done this. The biggest plan the Liberal Party has announced so far is its plan to sack 35,000 public servants.

The Liberal Party's plans are about wrecking the economy, sacking workers and reducing services. They would end up sacking tens of thousands of people, including teachers, nurses and other service providers. It is in their DNA; it is what they did last time they were in government here, and it is what they have done in New South Wales, Queensland and Victoria. They cannot help themselves. The only difference in the other states is that the Liberals were very sneaky and deceitful: they did not announce their plans before the election, unlike here, where they have put it out in bold writing that they are planning to sack people.

The Liberal Party's failed Marshall plan and leadership instability are bad for the opposition and bad for South Australia. How can you possibly have people think you are anywhere near ready to govern the state when you are so consumed by infighting and treachery that you cannot even govern yourself?

The PRESIDENT: And you still have 15 seconds left! The Hon. Mr Brokenshire.

PORT ELLIOT AGRICULTURAL SHOW

The Hon. R.L. BROKENSHIRE (15:44): Thank you, Mr President. As a country person, I will be speaking quite a bit slower than the previous speaker, the Hon. Mr Maher, who obviously had a lot to say in five minutes. What I want to do is put on the public record my appreciation for the efforts of the volunteers this year and over a very long period of time who work tirelessly right throughout the year to put on the Port Elliot show, which is presented by the Southern Agricultural Society.

The Fleurieu Peninsula has a long and rich history of agricultural shows. In fact, the show for the Southern Agricultural Society goes back to an establishment year of 1869. These shows are very important for those of us who live locally so that we can actually go and enjoy the efforts of a lot of people within the community, be it agricultural, horsemanship, crafts and arts or just to have some plain, good fun. They are also in an area within striking reach of Adelaide—within an hour or so of Adelaide—which is very, very good for the benefit of families in Adelaide who can take their children out to show them agricultural animals, machinery and just what happens in a farming environment.

The wisdom and initiative of the forefather volunteer members of the Port Elliot Show who ensured they could purchase land to have permanency available for their show society is also something that needs to be put on the public record. In fact, an initiative recently between this government and the show society was to relocate the Port Elliot Primary School onto part of that facility. They now, through the Education Department, maintain the arena area, and it works well for the young people in the district as well; so, there is another benefit that would not have even been envisaged years ago that is working really well for the community on the Southern Fleurieu Peninsula.

These show societies would not work without a lot of sponsorship from small business, and I commend all those small businesses and encourage them to continue their sponsorship of the southern agricultural societies. I want to finish with another great initiative of the Port Elliot Show society, that is, the Southern Fleurieu Historical Museum, which has now been set up at Port Elliot. One of the inspirational people was a friend of mine and a long-time local in Mount Compass, the late Ken Ekers. He was a great collector of old machinery, and it was great to see his brother, Colin, taking a good leadership role to ensure that the fantastic work done by the late Ken Ekers is maintained, together with the rest of the volunteers, in the new museum.

A lot of this machinery in the past had been kept up at Mount Compass in the late Ken Ekers' shed, and we were privy to see it but now anyone who wants to access the Southern Fleurieu Historical Museum at Port Elliot can see this machinery. It was amazing for me to visit and to stop and reflect not only on just how difficult it was to produce food in years gone by and how much easier it is with new technology today but also the importance of keeping that history.

I particularly was pleased to see the recognition of a good friend of mine, the late I.K. Arthur, known as Kelly Arthur, who invented machinery in our town and district at Mount Compass. He was the inventor of the rotary chain slasher—and there is one of those down there—which revolutionised control of bracken fern and weeds and reeds in the district and helped to increase production, and that is one of the good things that we do see when we go to look at these agricultural museums.

Also, it reminded me of just how hard the work was for our mothers and grandmothers and, indeed, great-grandmothers on farms—and anywhere for that matter—when you look at some of

the old washing machines, for example, with the old hand wringers and scrubbing boards and realise how difficult it was and how much time and energy it must have taken them simply to prepare a meal at the end of the day for their family.

South Australia needs to be very proud of its agricultural and rural history, and I commend the volunteers who are committed to both the Port Elliot Show and all agricultural shows throughout South Australia and the Southern Fleurieu Historical Museum now available to be seen at Port Elliot.

OZASIA FESTIVAL

The Hon. CARMEL ZOLLO (15:49): On Monday 24 September I was pleased to represent the Premier (Hon. J. Weatherill) at the OzAsia keynote address and reception. The evening was held at the Adelaide Festival Theatre and it was attended by approximately 350 people, including His Excellency the Governor Rear Admiral Kevin Scarce, and many other dignitaries. The Adelaide Festival Centre's OzAsia Festival, established in 2007, is a cultural delight which showcases both traditional and contemporary cultures of Asia. I know that all will agree that since its inception the festival has gone from strength to strength and is now an annual event held in either September or October (dates are dependent on the lunar calendar).

This year's festival was held from 14 to 30 September and included work by artists who identify with Asian heritage in the forms of art, theatre, dance, music, film, visual arts, food and wine, as well as design culture. The festival encourages national and South Australian cultural organisations, performing art groups and companies alike to participate. In particular, the 2012 OzAsia Festival, whilst representing a diverse range of cultures, had an Indian flavour. One of the major highlights was the Australian/Indian collaboration 'Fearless Nadia'.

This particular group will also be travelling to India this month as part of Oz Fest. The Australian government joins 24 government, business, institutional and production partners to present Oz Fest, the biggest Australian cultural festival ever staged in India. The keynote address on the evening was titled 'More than Meets the Eye: Safeguarding Intangible Heritage—Asian Australian Perspectives', and was presented by Professor Amareswar Galla, Director of the International Institute for the Inclusive Museum, Copenhagen, and Professor of World Heritage and Sustainable Development at the University of Split, Croatia.

Professor Galla is rightly described as an Australian citizen who carries with him a fascinating Indo-Australian story and a global reputation for knowledge about human cultural heritage and its relevance to life. I must admit that I was not certain how intangible heritage would be addressed. The Hawke Centre of UniSA, the sponsors for the evening, describes intangible heritage as follows:

> Intangible heritage encompasses the expressions and traditions of communities across the world, inherited from ancestors and transmitted to descendants, often through the spoken word and performance. Many of these communities are now represented within our multicultural Australia.

Professor Galla homed in on our sense of identity, and in particular how it is transmitted from generation to generation, and told the audience of his earlier work in the Aboriginal community. Professor Galla is a former director of sustainable heritage development programs at the ANU. With so many communities represented in our multicultural society I agree with the Hawke Centre that it is important for all of us to acknowledge and engage in that intangible heritage, often through the spoken word and performance, as indeed it has been for generations.

The Moon Lantern Festival at Elder Park is held on the final night of the OzAsia Festival to celebrate the full moon. Celebrations are steeped in the thousand year Chinese tradition, which is held throughout Asia and beyond. The Moon Festival coincides with the 15th day of the eighth lunar month, traditionally known as the Asian mid-autumn harvest. This year some 20,000 people of diverse ages and cultural backgrounds attended the Moon Festival, culminating with a spectacular moon lantern parade at dusk, with a fireworks finale. The ABC was involved this year with the Origami Lotus Project, where people are encouraged to get involved with an origami installation on the evening. In an opinion piece, Douglas Gautier, CEO and Artistic Director of the Adelaide Festival Centre, wrote:

> Held annually the OzAsia Festival is the only large national event devoted exclusively to exploring links between Australia and the diverse cultures of our Asian neighbours. It is part of the effort to keep the festival state punching above its weight and showing national leadership in cultural and civic initiatives.

I should mention that the very talented musicians from Silk Road provided another aspect of entertainment on the evening. In conclusion, I particularly acknowledge Elizabeth Ho, the Director

of the Bob Hawke Prime Ministerial Centre, and thank all the participants, volunteers and visitors on a fantastic and ever-growing celebrated event. I look forward to OzAsia 2013.

SABRINA MANGOS FOUNDATION

The Hon. J.A. DARLEY (15:54): Today I will speak about a beautiful little girl, Sabrina Mangos, and the foundation that has been established in honour of her memory. Sabrina tragically passed away on 7 August 2011 after becoming involved in a motor accident in the last few hours of a five-week holiday in New York with her parents, Michael and Valerie, and her brothers Sam and Nicholas. It was a tragic end to a family holiday that changed the course of the Mangos family's history forever.

Some 15 months on, Michael and Valerie's pain is still as raw as it was the day Sabrina passed away and it goes without saying that they have a long journey ahead of them in trying to come to terms with their loss. At the same time, they have been extremely touched by the vast number of people who have reached out to them during this most difficult time in their lives.

The letters, the cards, the phone calls, the incredible sorrow and the emotional support that has been extended to the Mangos family not only from people who knew Sabrina but from complete strangers who were so taken aback by the news of her passing has been overwhelming. I want to share some of Sabrina's qualities that have been relayed to me by my staff member Connie who is a very close friend of the Mangos family.

I am told that despite being only 10, Sabrina was cluey well beyond her years and never missed a beat. Even the most cryptic of conversations, something that all parents tend to do when children are present, would not pass her by. Sabrina had a witty sense of humour and often left her family and school friends in stitches with her funny stories. She fussed over her dog Aspro like a mum and she took great joy in annoying her two older brothers. She was inquisitive and would ask her mum, Valerie, about all manner of things that often left her wondering what went on in her little girl's head. Sabrina had a serious side as well. She worried when her parents worried and often considered it her responsibility to take care of things.

Despite her young age, Sabrina herself recognised and appreciated the sacrifices her parents made for her. She knew only too well that her parents worked extremely hard to provide her and her brothers with the best opportunities in life. Her caring nature extended to her school life where she was well known amongst her school friends as the gatekeeper, always concerned about everybody else and keeping the peace between friends.

Sabrina loved to love and loved to give and approached life with a glass half full not half empty attitude, showing a keen interest in helping others less fortunate than her. It is for this reason that the Sabrina Mangos Foundation was established in her honour, to raise funds and to continue Sabrina's spirit for life, love, family, friends and her passion for giving. At the moment, funds raised by the foundation are being directed towards the Women's and Children's Hospital Foundation in the hope that the money raised will go towards helping other families affected by trauma.

Most of the funds received to date have resulted, primarily, from the efforts of four generous women—Amanda, Lyndi, Lee and Sarah—who, for the past few months, have been training and fundraising tirelessly in preparation for the New York City Marathon which was to be held on 4 November. To date, I understand they have raised over $10,000 for the Women's and Children's Hospital in honour of Sabrina. Even though the marathon was cancelled as a result of recent disasters in the US, I am told that the women took part in helping with the clean-up instead, an equally deserving cause.

In the future, the foundation hopes to support causes that Sabrina herself showed a keen interest in, including supporting underprivileged children and providing music tuition for students. The foundation stands for more than just fundraising. It has provided Sabrina's family and friends with a means of dealing with their own grief, particularly at times when they have felt helpless.

I am sure there will be many times when Michael and Valerie will think that they took for granted that Sabrina would always be here but those who knew Sabrina, and even those who did not, knew that she could not have asked for more loving parents and more loving brothers. Importantly, Sabrina knew she was truly blessed. Their little girl's memory will never fade for those who knew and loved her.

She will always be remembered by her family, her friends, her schoolmates and, indeed, the entire Immanuel College community. It is only fitting that Sabrina be remembered in this place as well. I ask all honourable members to take the time to look at the foundation's website at

www.sabrinamangosfoundation.org.au and lend their support to this great cause in honour of Sabrina's memory.

WORKERS REHABILITATION AND COMPENSATION (PROTECTION FOR FIREFIGHTERS) AMENDMENT BILL

The Hon. T.A. FRANKS (15:59): Obtained leave and introduced a bill for an act to amend the Workers Rehabilitation and Compensation Act 1986. Read a first time.

The Hon. T.A. FRANKS (16:00): I move:

That this bill be now read a second time.

Obviously, at this particular time the events that occurred at Tulka in this past week are quite present in our mind. Of course, when we think about victims of fire our thoughts usually turn to those who tragically lose their life as a consequence of smoke inhalation or heat exposure. What we often do not think about are the firefighters themselves, who may be affected by cancer decades after these events by being exposed to the toxic carcinogens released through fire.

We often do not think, and do not acknowledge, that firefighters have a higher rate of cancer than the general population and that this can, in fact, be attributed to the exposure of firefighters to carcinogens found in both structural and environmental fires, according to the current scientific body of knowledge. My bill seeks to ensure that, as a state, we have better WorkCover protection for both career and volunteer firefighters.

The bill has as its genesis the successful passing of the forerunner of this state-based bill, the Safety, Rehabilitation and Compensation and Other Legislation Amendment Bill in 2011, which was introduced by the Greens Adam Bandt, the member for Melbourne. I commend Mr Bandt for his work there, and note that he worked cross-party and in negotiation with various stakeholders, including the UFA and various others both across the parliament and engaged in firefighting and volunteering, as well as with the scientific body of evidence and firefighters across the world to ensure that groundbreaking piece of legislation was passed in our federal parliament on 24 November last year.

I note that that bill was not successful in addressing the issue of including volunteer firefighters, although it was the stated intention of the mover that this happen. Certainly, a review of the legislation is to be conducted and concluded by 31 December 2013, and it has been flagged that that may be an appropriate opportunity to do that. It is a small number of firefighters in that particular case, federally, who will have the benefits of that bill, but the work and the body of knowledge that was accrued by the senate committee, the Senate Education, Employment and Workplace Relations Committee's inquiry into that bill will have a positive effect for states and territories around Australia as they pursue this issue.

Certainly the Greens will be pursuing the issue, not only for paid firefighters but also for volunteer firefighters. That senate inquiry recommended that Australian firefighters should have the same coverage as firefighters in other jurisdictions. It recognised that the science has advanced, and that a particular list of cancers could, in fact, be proven to be linked to the act of firefighting. I note that lung cancer has not yet been accepted in this debate, and apparently the definition of 'non-smoker' needs more work in this jurisdiction.

It may surprise members that lung cancer is not in this bill and is not in the federal bill; however, it is certainly on the agenda for further work. As I said, the definitions around 'non-smoker' need some work to progress that particular issue. To get back to the bill at hand, South Australia is quite different to the federal parliament and the ACT, where that Greens bill is now in place. From the outset it is important to observe that the Workers Rehabilitation and Compensation Act already applies to CFS volunteers, as they were prescribed under regulation 17 as volunteers for the purposes of section 103A of the act. There is, in fact, no need for this bill here to specifically or directly cover volunteer firefighters because, as was indicated to me by parliamentary counsel in the original drafting notes to this bill, which were undertaken in April this year, a 'worker' is already defined to mean:

(b) a person who is a worker by virtue of section 103A.

This section, as I was advised by parliamentary counsel, provides that:

(1) The Crown is the presumptive employer of persons of a prescribed class who voluntarily perform work of a prescribed class...

Regulation 17 prescribes volunteer firefighters as a prescribed class of person and prescribes, among other things, 'preventing, controlling or extinguishing a fire' as a prescribed class of work. I refer members to section 103A of the act—Volunteers:

(1) For the purposes of section 103A of the Act—

(a) volunteer fire-fighters are prescribed as a class of persons under that section; and

(b) the following activities are prescribed as a class of work in relation to volunteer fire-fighters:

(i) any activity directed towards—

(A) preventing, controlling or extinguishing a fire; or

(B) dealing with any other emergency that requires SACFS to act to protect life, property or the environment;

(ii) attending in response to a call for assistance by SACFS;

(iii) attending an SACFS meeting, competition, training exercise or other organised activity;

(iv) any other activity carried out in relation to the functions of SACFS under the Fire and Emergency Services Act 2005...

(2) In this regulation...

volunteer fire-fighter means—

(a) a member of SACFS within the meaning of the Fire and Emergency Services Act 2005; or

(b) a fire control officer under the Fire and Emergency Services Act 2005; or

(c) a person who, at the request or with the approval of a person who is apparently in command pursuant to Part 4 of the Fire and Emergency Services Act 2005, at the scene of a fire or other emergency, assists in fire-fighting or dealing with the emergency,

who receives no remuneration in respect of his or her service in that capacity;

Sorry to labour that point, for those members who do pay attention, but we are here moving this bill today because the government did not. In fact, while the volunteer firefighter aspect of this Greens bill has been the point of difference between the Greens' position and the government's announcement on 5 November in the public debate on this bill so far, it is not actually the coverage of volunteer firefighters that is the new issue before this parliament.

What is new, and what this bill will do to amend the act, is the schedule of cancers that the bill adds a presumption—or, to put it another way, a reversal of the onus of proof—for a firefighter who contracts one of the stated cancers on the schedule. That person must have also been a firefighter for at least the period of time attached to the schedule to be inserted into the act.

That a firefighter's work has caused the firefighter's cancer will apply for those diagnosed after the date the bill is introduced to both CFS volunteers and paid firefighters, and it will be provided that they have worked for the required amount of time as a firefighter or volunteer firefighter. I note that many MFS firefighters also volunteer, both after they finish their service as a paid firefighter or, in fact, at the same time.

It is set out in the schedule, and these required periods of time are typically 10 or 15 years; they start at 5 years, and are as long as 25 years. If this bill is passed into law, the result will be that a career or volunteer firefighter will not have to prove the causative connection between their work as a firefighter and their cancer.

Should they have primary site brain cancer, the qualifying period of service will be five years. Should it be primary site bladder cancer, it will be 15 years; primary site kidney cancer will be 15 years; primary non-Hodgkin's lymphoma will be 15 years; primary leukaemia will be five years; primary site breast cancer will be 10 years; primary site testicular cancer will be 10 years; multiple myeloma will be 15 years; primary site prostate cancer will be 15 years; primary site ureter cancer will be 15 years; primary site colorectal cancer will be 15 years; and primary site oesophageal cancer will be 25 years.

Now I will move on to the other part of the debate: the science behind this bill. The science connecting these cancers to the act of firefighting has significantly progressed over past decades. We have a very large body of knowledge that links the cancers identified in the schedule with the act of firefighting. Indeed, it is the science underpinning this legislation that is pivotal to its

justification. As minister Ian Hunter noted before, it should be the science that this debate hinges on and not the politics.

I acknowledge at this point and refer members to the aforementioned Senate Education, Employment and Workplace Relations Legislation Committee review into this bill. It is 60 pages long. I will touch on some of the evidence and studies cited in that particular review and note that, in summary, the committee was confident that 'a link between firefighting and an increased incidence of certain cancers had been demonstrated beyond doubt'.

The international studies investigated by the committee noted that the science has become progressively more sophisticated, and policy makers are now able to access several large-scale studies which conclusively show that there is a link between firefighting and cancer. In fact, I understand it has been stated that firefighting is the most studied occupation in the world when it comes to cancer, and there are literally dozens of major studies spanning over 20 years that have made a definitive connection between firefighting and elevated cancer risks.

One of these studies was commissioned by the Canadian province of Manitoba in 2002. It looked at evidence gathered from 1994 to 2002 and it was led by Tee L. Guidotti. The study analysed research conducted worldwide and looked at firefighters and five specific types of cancer, being brain, bladder, kidney, non-Hodgkin's lymphoma and leukaemia. Processing an enormous volume of information, the researchers concluded that a firm link existed between firefighting and these primary-site cancers. In his report to the Workers Compensation Board of Manitoba, Guidotti stated:

> The evidence available since 1994 suggests it is reasonable given the available scientific evidence to adopt a policy of presumption for brain cancer, bladder cancer, kidney cancer, non-Hodgkin's lymphoma...and leukaemia...for claims associated with occupation as a firefighter.

These conclusions were used to inform Manitoba's presumptive legislation, the first of its kind in the world, and subsequent presumptive legislation in other jurisdictions in both Canada and the US. Other studies have confirmed a link between more than just brain cancer, bladder cancer, kidney cancer, non-Hodgkin's lymphoma and leukaemia and firefighting. Following that research, Manitoba expanded its list of recognised occupational cancers more recently from five to 14—more than we have before us today.

Following this research, there was also a study of professional firefighters in New Zealand. I use the word 'professional' acknowledging that all firefighters engaged in South Australia are in fact professional. It followed a cluster of testicular cancers that was detected in Wellington in the 1980s. It looked at those particular cancers in a cohort of firefighters and compared them to the incidence in the general population, using data obtained from the New Zealand Health Information Service. As a result of this study by Bates, the following was quoted in the Senate committee:

> [It] put the scientific world on its heels. They found that the level of testicular cancer for New Zealand firefighters—I believe they looked at 4800 New Zealand firefighters within about three decades—was upwards of five times that of the general population.

Mr Alex Forrest, the President of the United Fire Fighters of Winnipeg and Canadian Trustee of the International Association of Fire Fighters, presented to the Senate committee in Australia. He said:

> When this study came out I read it and said: 'Five times the level—it just cannot be true.' Almost immediately different epidemiologists around the world took on the challenge of discrediting this study out of New Zealand. A gentleman by the name of Jockel out of Germany looked at all firefighters in Germany. What he found surprised him. His study almost exactly replicated the results—the rate of testicular cancer in New Zealand was the same as the rate in Germany. That just shows you the global aspect of this.

There was another large meta study confirming these results in 2006, where researchers, led by Grace LeMasters, looked at 110,000 firefighters and replicated the rate of testicular cancer. So, you have three studies: one from New Zealand, one from Germany and one from the United States, all showing the same rates of cancer for firefighters.

The committee heard that most overseas jurisdictions with similar legislation currently in place have moved substantially beyond the five cancers originally covered in Manitoba's initial legislation in 2002 and reflected here today in the proposed bill. With the large volume of scientific research, every province in Canada is moving towards covering 14 cancers, although we only have 12 before us today.

In summary, that cross-party Senate committee was incredibly confident that there was compelling evidence for the federal bill, which is why the Greens have taken up the charge at a state and territory level and we will be initiating similar work in each state and territory where we

have members in the parliament. In doing so in South Australia, we undertook to work with the government and in doing that I wrote to ministers Snelling, Rankine and Wortley on 21 April of this year. I alerted each minister to the passage of the federal Greens' Safety, Rehabilitation and Compensation Amendment (Fair Protection for Firefighters) Bill. I also sent them the Senate committee report, a copy of the bill and the explanatory memorandum.

I was heartened to receive a response from minister Snelling. Certainly, as we worked not only with the government but also met with the CFS and the UFU in South Australia, we received not only a positive response from minister Snelling at this time but were informed by his staff member on 24 May that the Treasurer had in fact asked the Workers Rehabilitation and Compensation Advisory Committee to investigate and report on schedule 2 of the Workers Rehabilitation and Compensation Act 1986, including consideration of the recent changes to the federal legislation covering firefighters. We pursued a possible briefing with Peter Marshall of the federal UFU, but in May we were asked (in correspondence from the UFU) to hold off on that briefing until:

> ...the national executive of the UFU will be meeting on 29 June 2012 and presumptive legislation in South Australia will be discussed.

That was in June 2012. Certainly, the Greens continued to attempt to work with the UFU in South Australia, but we did find the process difficult. In this whole time, one thing that did comfort us was, having drafted the bill in April and having met with Wendy Shirley of the CFS Volunteers Association and understanding the nature of the work of the CFS in South Australia, that volunteers would be a part of any final bill.

Imagine our surprise when we heard, on 5 November, the Treasurer Jack Snelling and the Premier Jay Weatherill announce that South Australia was to be the first state to support firefighters with cancer. Premier Weatherill, at the Metropolitan Fire Service's 150th birthday, used that opportunity to issue a press release and, quite rightly, he indicated that South Australia should be the first state to give additional protection to firefighters exposed to a higher cancer risk as a result of their work. He went on to acknowledge that it was time for the government to protect those firefighters who protect us. However, the government's announcement only applied to the MFS and not to Country Fire Service volunteers. I believe this was a slap in the face to the volunteers who serve us, and I understand that there are—

There being a disturbance in the President's gallery:

The Hon. T.A. FRANKS: Thank you—13,500.

The ACTING PRESIDENT (Hon. J.S.L. Dawkins): Order! The gallery must be silent. The member will continue.

The Hon. T.A. FRANKS: Thank you for your guidance, Mr Acting President. It also flew in the face of the current status quo under this act in terms of the treatment of volunteer firefighters. So it begs the question whether or not the government is intending to move away from what I believe is a proud tradition we have here of recognising firefighters as workers as prescribed by regulations under the act, or whether it simply squibbed it in its haste to deliver some good news that particular week. There may have been political scandal, there may have been the need for the government to make a good news story, however, by leaving out volunteers, it has certainly not delivered for all firefighters in this state. In fact, what the government has done is raise the anger of not only volunteer firefighters but, of course, the communities they serve.

The CFS volunteers in our state are currently considered to be workers. The government will need to renege on this current status quo should it want to fulfil its stated intention as outlined in a press release commemorating the 150th anniversary of the MFS if this coverage that it intends to introduce is to be afforded only to paid firefighters. If the reason is that it will be a cost-saving measure, then the government should just come clean and say that that is what it is. However, using the reason, as was done in question time today, that it is the science that justifies why it is only a paid firefighter and not a volunteer firefighter is an untenable argument.

The types of fires that cause these cancers are fought by CFS volunteers often standing alongside MFS volunteers, or sometimes alone. The MFS and the CFS fought the Wingfield industrial dump fire just in these past few weeks side-by-side. In Tulka they have fought house and car fires as well as bushfires. Salisbury and Tea Tree Gully might seem like the country to some members, but I can assure you that they are deep in the heart of the Adelaide suburban culture.

The government has taken a Greens idea and has run with it, except it has dropped the ball on volunteers. I hope it quickly sees the error of its ways. I have certainly had a lot of support from the cross benchers in this place, and I certainly thank those who attended the media conference held yesterday to announce this bill. Members of the opposition have also been very strongly supportive. That is because they recognise the real role of the CFS here. They did not assume that they simply only fight bushfires or grass fires. They do not assume that they are not professional and they do not assume that they do not actually provide an enormous benefit economically, culturally and socially to our state. As the CEO of volunteering SA and NT said yesterday at a press conference, and I quote her:

> The logic that only paid firefighters should be covered will only prevail when fires can distinguish between paid firefighters and volunteer firefighters.

Perhaps more unkindly one might say that it would be if they could distinguish between union members and volunteer firefighters, but I am pretty sure that the carcinogens cannot do that. I hope that the government will see sense on this issue. I believe that it has been a misstep that can be very quickly corrected.

I would like to thank those who have contributed to this bill, in particular: Wendy Shirley, the former executive director of the Country Fire Service Volunteers Association; the new executive director, Sonia St Alban; the CFS Volunteers Association President, Roger Flavell; vice presidents Jeff Clark and Andy Wood; the federal secretary of the United Firefighters Union, Peter Marshall; Joe Szakacs, the industrial officer of the United Firefighters Union of South Australia; Greg Northcott, the secretary of the United Firefighters Union of South Australia; and Evelyn O'Loughlin, the CEO of Volunteers SA & NT.

In conclusion, I note the remarkable service that career and volunteer firefighters provide to all of us in the community; their work is indeed truly remarkable. In some cases, they risk their own life in the pursuit of saving the life of others. Their courage and bravery in defending property and person cannot be underestimated, and their dedication can never be questioned. They should be afforded the same coverage whether or not they undertake that noble task for money or as a volunteer. I commend the bill to the council.

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

MURRAY-DARLING BASIN PLAN

The Hon. M. PARNELL (16:26): I move:

That:

1. This council notes—

   (a) the purpose of the Murray-Darling Basin Plan reforms currently underway is to recover enough water to guarantee a healthy and resilient future for the basin in accordance with the best available science and that there is significant public support for this endeavour;

   (b) that Premier Jay Weatherill has publicly stated that he believes 3,200 gigalitres is the minimum amount required for a healthy river;

   (c) that the current draft plan and associated bills before federal parliament do not assure a minimum water recovery of 3,200 gigalitres, but only a commitment to return 2,750 gigalitres by 2019, with an additional aspirational target of 'up to' 450 gigalitres to be potentially recovered by 2024; and

   (d) that the Dean of the University of Adelaide Law School, Professor John Williams, has noted that 'without strengthening the promise of 450 gigalitres additional water, the SA agreement may turn out to be a castle built on sand', subject to 'intransigence, backsliding and an evaporation of political will'.

2. This council calls on Premier Jay Weatherill to insist on his federal Labor government colleagues enshrining in legislation, guaranteed recovery of sufficient water, as identified by the best available science, to sustain a healthy and resilient River Murray.

Since the Premier announced some little while ago that the River Murray had been saved as a result of his endeavours in working with his federal colleagues, a number of people have begun to question whether all is as it seems and, in fact, whether the amount of water that we are being told is going to be returned to the River Murray for environmental purposes will, in fact, ever be achieved.

The detractors who questioned the Premier's champagne-popping announcement some weeks ago were ridiculed by many as being unpatriotic and un-South Australian, and we were told

that we all had to get behind the latest deal the government had struck. Yet it is now apparent that the additional water that was promised as part of the negotiation between South Australia and the commonwealth is not at all certain to be delivered; in fact, the basin plan looks like locking in water that might not be sufficient to achieve environmental objectives in this state.

I note that, even if the federal government lives up to its word and does achieve the 3,200 gigalitre return of water to the Murray-Darling Basin, this will still fail 17 out of 20 of the environmental targets which were set by the South Australian government, which makes their overwhelming endorsement of the current deal somewhat perplexing.

The motion that is before us is quite straightforward. At its heart, it 'calls on the Premier to insist on his federal Labor government colleagues enshrining in legislation, guaranteed recovery of sufficient water, as identified by the best available science, to sustain a healthy and resilient River Murray'.

Members would have been alarmed, I think, to read in *The Advertiser*, under the heading, 'Public servant lets the cat about of the bag over 3200 gigalitre water promise,' the revelation that the deputy secretary of minister Burke's sustainability, environment, water, population and communities department, Mr David Parker, said that the legislation contained consequences and strong incentives to achieve a return of 2,750 gigalitres of water but that the additional 450 gigalitres was not guaranteed or enshrined. So, that had the alarm bells ringing. Also in the pages of *The Advertiser* on Monday was an opinion piece that was written by eminent lawyer Professor John Williams, the current Dean of the Law School at Adelaide University. What he said in his opinion piece included the following:

> It's important to ensure that the commonwealth's bill fulfils the 450 gigalitre undertaking that has been given to South Australia. There are a number of features of the bill that raise concerns and warrant closer consideration and amendment by the parliament. First, the objectives will be achieved by removing constraints and 'increasing the volume of the basin water resources that is available for environmental use by up to 450 gigalitres'. This means that the 450 gigalitres is a ceiling, not a floor, below which the environmental water can fall. Guaranteeing the 450 gigalitres would require the bill to be amended to state clearly that the objectives will be achieved by 'no less than' 450 gigalitres being returned to the basin. As it stands the 450 gigalitre goal is simply aspirational, and certainly not guaranteed. The 450 gigalitres additional water is intended to supplement the delivery of the 2,750 gigalitres by the basin plan.

The professor notes that this target may itself be reduced in the future. So there we have an eminent South Australian lawyer saying that amendments are desperately needed; and I am very pleased to be able to tell the chamber that yesterday in Adelaide, Greens' leader, Senator Christine Milne, along with Senator Sarah Hanson-Young, did announce that they have amendments prepared that will guarantee the 3,200 gigalitres of water as an absolute minimum to be returned to the environment.

That is not to say that this is an ideal solution. The Greens still believe that the 4,000 gigalitres that was nominated by the Wentworth Group of Concerned Scientists is an amount that needs to be modelled, and all the available science indicates that that was an amount that was far more likely to deliver the environmental outcomes that we want.

The alternative to amending the federal bill is, as Professor John Williams says, that it risks that the South Australian agreement will be subject to 'intransigence, backsliding and an evaporation of political will', and that if those things were to occur, then, in his words, 'the South Australian agreement may turn out to be a castle built on sand'. This is a very simple motion. It calls on the Premier to work hard for South Australia and for the South Australian environment, and an important part of that work will be the pressure that he can put on his Labor colleagues interstate. I commend the motion to the house.

Debate adjourned on motion of Hon. K.J. Maher.

EDUCATION (MISCELLANEOUS) AMENDMENT BILL

The Hon. R.L. BROKENSHIRE (16:33): Obtained leave and Introduced a bill for an act to amend the Education Act 1972. Read a first time.

The Hon. R.L. BROKENSHIRE (16:34): I move:

That this bill be now read a second time.

I rise to support the second reading of the bill, which seeks to amend the Education Act for two major purposes: first, to ensure that the Minister for Education and Child Development is immediately, or at worst within 24 hours, notified of any incident in public schools involving an

alleged sexual offence against a child; and, secondly, for the establishment of an education ombudsman. First, regarding ministerial notification of alleged sexual offences, the Premier made a ministerial statement to the parliament on the morning of 13 November 2012, apologising to parents for the government's failure to notify them of the presence of a sex offender in their school community. He said:

> There is no doubt parents should have been informed; I am sorry they were not and I have apologised on behalf of the government. The fact it was not disclosed has led to much suffering.

This cannot happen again. Family First wants to see families put first, not the interests of departmental staff or the offender themselves. We would all agree that children must be protected.

It is not good enough for a minister to receive notification from their staff of allegations of a serious incident constituting a sexual offence against a child and for the staff member to then not tell the minister. Yes, there are lots of things that come to a minister's office and I know that staff members, from my own experience as a minister, are extremely overworked. However, I also know that you need to focus on child protection. As a government you have a priority to those notifications, in my opinion, and in response to that notification the question of whether parents ought to be notified of the risk that their child might have been abused, or could be if certain circumstances continue.

In addition to the inquiry of former Justice Debelle and the pre-existing ombudsman investigation into the incident (and possibly others like it), the Premier announced yesterday that a task force of police, education, health and government law officials would look into whether incidents of child abuse have gone unrecorded to parents.

As honourable members would know, in the past Family First has obtained critical incident reports from the department of education and children's services, now the Department for Education and Child Development. However, I must say that it seems more difficult now to get that information from the department, even through FOI. Those reports routinely note that the subagency, known as School Care within DECD, staffed by three individuals and with a flat budget over the last four years, regularly notes the reports received by them, but it is not clear what senior action is taken, for example, whether the School Care subagency of the Department for Education and Child Development has notified the minister.

Before moving on to the ombudsman aspect of this bill, I refer honourable members back to my speech introducing an earlier different version of this legislation on 4 March 2009—the education ombudsman and school discipline bill. This bill is different in some respects when it comes to the notification about sexual offence allegations, but otherwise it is largely similar.

With respect to the second component of this, the education ombudsman, the South Australian Association of State School Organisations (SAASSO) support establishing an education ombudsman. They say that around two-thirds of OECD countries have an education ombudsman or an agency to receive complaints relating to public schools and, more specifically, Washington state in the United States of America is a lead example of an independent education ombudsman, and continues to have such an office to this day.

I spoke in March 2009 about their experience and will not repeat that now. The local government ombudsman in the United Kingdom was given power to act as an education ombudsman. However, that power was taken away two years later in July this year. However, another independent agency called Ofsted, which investigates schools, was last October given power to investigate schools based on anonymous tip-offs by parents on issues of behaviour, management and teaching quality—or anything else for that matter. So, the United Kingdom does continue to have an independent means for issues at public schools to be investigated.

Washington DC—not Washington state, but the District of Columbia and the United States capital—had an education ombudsman, but after the first appointee quit after 14 months it was defunded and there are now calls for it to be reinstated. The budgets of the United Kingdom and the American states have been in a somewhat worse state than we have here, but I will come to the funding solution for South Australia in a moment.

The education minister here has seen fit to set up a Parent Complaints Unit. The unit received 282 complaints in its first five months, roughly three complaints every school day since it began, with over half handballed back to the school or regional office it came from. Contrast that with the state Ombudsman's work in the education context; he is finding that in about 20 per cent of

cases he can make findings that are adverse to the department or has identified alternative remedies with other bodies, or resolved the issue with the cooperation of the agency.

By contrast, the Parent Complaints Unit is making similar findings only 5 per cent of the time. This is not an independent or effective system. However, the Parent Complaint Unit is funded. We could see the transfer of that funding line in the budget to that of an education ombudsman's office and get a guarantee of continuing funding for that office, probably without the government having to provide any additional resources in the foreseeable future.

If the education ombudsman's office does a good job, as I expect, then hopefully messages would go through the agency, policies would change, reporting processes would be better and we may not ever need to fund it with any more staff than that amount. What is more, we can also shift the resourcing allocation of the state Ombudsman, who currently handles education issues, and redirect that to the resourcing of the education ombudsman. Therefore, I argue that funding should not be an issue.

Like I say, we cannot be blasé. There needs to be commitment long term to an ombudsman so that they can build awareness of their role and responsiveness to complaints that come their way. The Health and Community Services Complaints Commissioner had a difficult history under its predecessor, but has not had the same level of complaints since it was brought somewhat into the operation of the state Ombudsman's office to get it up and running.

I believe the health department has made a saving on the previous million dollar plus annual cost of running the commissioner separate from the state Ombudsman by bringing it into his office, so there are also funding capabilities that could be there. It could be that an education ombudsman could similarly leverage off the data management and other office resources of the existing Ombudsman's office. There need not be a reinvention of the complaints handling wheel or competition between the offices.

I welcome the fact that the Liberal Party supports us having an education ombudsman and I also acknowledge that it has a similar policy. Let us hope that we do not end up with disagreement over the model getting in the way of actually getting one set up. I also note some of the media are supportive of an education ombudsman.

I have listened to my colleagues in this council with interest and, of course, the government as it conducts investigations into its complaints handling and parental notification procedures in alleged sexual abuse cases. As I did with the Victims of Crime (Miscellaneous) Amendment Bill, I have made this a miscellaneous bill so as to enable the parliament to provide other amendments on the subject of education. We need to have a debate about how to improve mechanisms to assist families in their interactions with the public education system. I commend the bill to the council.

Debate adjourned on motion of Hon. K.J. Maher.

The Hon. T.J. STEPHENS: Mr President, I draw your attention to the state of the council.

A quorum having been formed:

ABORIGINAL LANDS PARLIAMENTARY STANDING COMMITTEE: ANNUAL REPORT 2011-12

Adjourned debate on motion of Hon. T.J. Stephens:

That the annual report of the committee, 2011-12, be noted.

(Continued from 31 October 2012.)

The Hon. T.A. FRANKS (16:46): I rise to note the report of the Aboriginal Lands Standing Committee and, in doing so, observe that, in fact for the first time in my term here, the report has been tabled within the timeframe required by its establishment. I commend the current minister (Hon. Paul Caica) on his work with the committee, and his attendance at the meetings of this committee. This stands in stark contrast to the previous minister's attendance rate, which I think extended to simply one meeting, the initial meeting at which she became the presiding member of the committee, and then she did not attend another single meeting of that committee.

I note that there has been an ongoing issue with this committee in that it is difficult for ministers to participate, so I doubly applaud the work of minister Paul Caica in making the effort to be an active member of this committee. However, this committee is unique in South Australian parliamentary committees in that the minister is a member. It has a historical basis in that there

was a particular minister (Hon. Terry Roberts) who had a particular commitment to ensuring that this was an effective committee of this parliament.

Over a period of time, perhaps the priorities of this place have changed, and three incarnations of this committee have now resolved that the minister should probably not be on this committee. It is proving to be unworkable where a minister, as the presiding member of the committee, would be writing to himself or herself about the issues raised by the committee in their work.

I certainly thank you, Mr President, for often stepping in as acting presiding member of this committee many times, and the other members of the committee for their dedication to the terms of reference of this committee. It is a hardworking committee. It is a committee that does in fact have an extensive travelling agenda, and the reasoning for that is that the committee tries to get out and meet with people in their communities, in an across-party, bipartisan way—

The Hon. T.J. Stephens: Tripartisan.

The Hon. T.A. FRANKS: —'Tripartisan', the Hon. Terry Stephen points out to me—to ensure that the voices, the issues, needs and concerns of Aboriginal people are at the forefront. Interestingly, in this past period of reporting, as a committee we have also undertaken and initiated an inquiry into the Stolen Generations Reparations Tribunal Bill, which I brought to this place. I thank the opposition for their support for that referral. In the process of that inquiry, I am hoping that by the time this committee reports again we have made some progress on that particular issue.

In short, it is a proactive committee. It certainly presides over the Aboriginal Lands Trust Act and the Aboriginal Heritage Act as a stated part of its terms of reference. In that, I do note with some disappointment that we have yet to see final drafts of bills in reforms to either the Aboriginal Lands Trust Act or the Aboriginal Heritage Act. I would dearly hope that the next time we see this report before this place both of those issues will have been resolved by this government. With that, I commend the report to the council.

Motion carried.

SOCIAL DEVELOPMENT COMMITTEE: INQUIRY INTO FOOD SAFETY PROGRAMS

Adjourned debate on motion of Hon. J.M. Gazzola:

That the report of the committee on an Inquiry into Food Safety Programs be noted.

(Continued from 19 September 2012.)

The Hon. J.S. LEE (16:52): As a member of the Social Development Committee, I wish to make a brief contribution to the motion of the Hon. Mr Gazzola that the report of the Social Development Committee on an Inquiry into Food Safety Programs be noted. In speaking to the motion, this is an important inquiry because in the past decade eating out has become a way of life for many Australians. Australians dine out for catching up with friends, business meetings, work functions, or for the sake of not cooking after a busy day at work. Therefore, we need to protect South Australians from getting any food-borne illnesses and maintain a healthy, hygienic standard of food handling in South Australian restaurants.

The report of the inquiry tabled in state parliament on 18 September has recommended the introduction of a voluntary food safety rating scheme to provide information for consumers about the cleanliness of cafes, restaurants and take-away food outlets. Such a scheme would improve food preparation standards and ensure that food businesses are complying with food safety regulations that already play a vital role in preventing food poisoning outbreaks by ensuring that food is safe to purchase.

When the Social Development Committee undertook the Inquiry into Food Safety Programs, it was alarming to read the statistics from the 2010 Galaxy poll, which estimated that one in every three Australians over 18 years of age is eating out in cafes, restaurants and hotels at least once a week. Every day people purchase food from take-away food outlets, delis, bakeries and caterers. According to the Australian Bureau of Statistics, more than 3 per cent of household expenditure goes towards eating out.

Out of the statistics, research has shown that approximately 5.4 million cases of food poisoning are reported across Australia each year. This costs the community an estimated $1.2 billion annually and results in more than two million days off work. This is costing both the productivity and economy of Australia.

In the course of the inquiry, the committee received a total of 18 submissions, consisting of 11 written submissions and oral testimonies from seven separate groups of witnesses. The committee notes that there is a proliferation of public disclosure food safety schemes operating in Australia and overseas. There are two voluntary schemes currently operating in South Australia in the City of Charles Sturt and the City of Salisbury councils. However, the committee noted that there is no consistency between the operation and enforcement of any of these schemes. It is difficult, therefore, to assess which one is the most effective. The committee, as a whole, has concerns that there is a potential to cause confusion amongst the community if there is not a consolidated, uniform approach of assessing food safety standards.

In conducting this inquiry, the committee supports the development and implementation of a uniform statewide food safety rating scheme to provide transparency for consumers and promote accountability amongst the food service industry. The scheme would be supported by clear aims and objectives, a uniform food business inspection checklist and supporting guidelines to ensure there is a consistency and fairness of approach when it comes to conducting food safety assessment and rating of food businesses.

The committee is of the view that there still needs to be frequent inspections by the local government environmental health officers to ensure that food safety standards are being met. The committee notes and thanks the significant work already being undertaken as part of the SA Health and Local Government Association Work Plan 2010-2012. This work has certainly provided an important foundation for the development of a food safety rating scheme for South Australia.

During the committee stage, we also recognised that in the first instance the scheme should be voluntary for councils and food businesses, and it should be aimed at medium and high-risk food businesses that prepare and sell ready-to-eat food, such as cafes, restaurants, hotels, clubs, caterers and takeaway food outlets. Food businesses in South Australia already undergo routine food health and safety inspections. It would be pragmatic to use the outcomes of these inspections to let consumers know whether a particular food outlet is clean and safe to eat in. Consumers should know if food such as chicken is not handled properly and hygienically, given the potential food poisoning risks.

Most of the witnesses who provided evidence were in support of the development and introduction of a consistent statewide food safety rating scheme. Restaurant and Catering SA and the Australian Hotels Association presented an opposing view, and it is important to hear these views as part of the records. In its submission to the committee, Restaurant and Catering SA stated that there is a potential cost burden for food businesses and increased red tape. They will support the introduction of a scheme such as Scores on Doors as long as it is voluntary, consistently applied, supports businesses to achieve high standards and there is a right of appeal concerning inspection result and public disclosure. The Australian Hotels Association (SA) endorsed the position held by Restaurant and Catering SA and stated:

> Sections 3.2.2 and 3.2.3 of the Food Standards Code are sufficient. They proposed that education and training was a more effective way to improve food safety outcomes.

As the parliamentary secretary for small business, I would like the committee and the chamber to take on board some of the findings as well because this is very important in adopting those 20 recommendations being put by the committee.

In conclusion, I would like to thank Social Development Committee members: the Presiding Member, Hon. John Gazzola, the Hon. Dennis Hood and the Hon. Kelly Vincent and Ms Frances Bedford, Mr David Pisoni, Mr Alan Sibbons and the Hon. Dr Bob Such from the other house. I would like to thank them all for their contribution. It has been a pleasure working with all those involved. I commend the report to the chamber.

Motion carried.

CONSTITUTION (ACCESS TO MINISTERS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 18 July 2012.)

The Hon. S.G. WADE (17:01): I rise on behalf of the Liberal opposition to indicate that we support the intent of the Constitution (Access to Ministers) Amendment Bill 2012, that is, improving the transparency and accountability of the government; however the Liberal opposition is unable to support this bill.

The bill proposes to insert section 73B into the Constitution Act 1934 to provide that a person must not promote an event intended to raise funds for a political party in a way that suggests special access will be given to a minister at the event or in association with the event.

The Hon. Mark Parnell rightly argues that it is important that the parliamentary system is not just clean, but is seen to be clean by the public. In the days following the bill's tabling, political scientist Dr Dean Jaensch commented in the media that businesses donate money to political parties to get something in return and that voters should have a right to know how much an organisation is donating to a party so they can decide whether undue influence is involved.

In this regard, I acknowledge the special concerns of the Greens. As the recipients of the largest donation in Australian political history—a donation of $1.67 million—the Australian Greens know how important it is to maintain transparency and public confidence in the face of donations. Dr Jaensch indicated that he considers the Greens' bill to be a good start but that it is vulnerable to being worked around.

As parliamentarians, we are elected and remunerated by taxpayers and the state. Each citizen has a right to access their elected representative free from further payment or other obligation. Likewise, ministers are representatives of the Crown and have a duty to fairly receive and consider all information relevant to a decision. Across all their activities, political parties must ensure that their activities enhance rather than inhibit citizens' access to their parliamentarians and ministers. Public confidence in democratic processes can be significantly undermined if citizens feel that government processes are about access and that access can be bought through political parties.

In March 2012, British Conservative Party co-treasurer, Peter Cruddas, resigned after he was secretly filmed by the *Sunday Times* offering access to the prime minister and the chancellor in exchange for payments of up to £250,000. Following the scandal, political donations dropped and general reform regarding the funding of political parties was promised. I think that highlights to us all that transparency and accountability in the funding of political parties is actually important for the public's ongoing confidence in those parties and the ongoing funding of the parties.

In May 2012, the Weatherill government was heavily criticised when it was revealed that, frustrated at his inability over 18 months to secure a meeting with the health minister, the Chair of the Keith Hospital Board, James de Barro, attended a $650-a-head ALP fundraising dinner with the Premier. Soon after the function, the government gave the Keith Hospital a one-off $350,000 grant.

Such events in the UK and in South Australia undermine public confidence, but the issue today is whether the Greens' bill will protect our system and, therefore, protect public confidence. Unfortunately, the view of my party is that the Greens' bill will not be effective to stop the inappropriate provision of special access at events. After all, it only prohibits promoting an event in a way 'that suggests special access will be given to a minister'. In reality, the bill will only prevent events from being clumsily advertised. It will spawn a renewed focus on carefully worded publicity materials.

The term 'special access' is vague and may extend to implicit assertions, for example, an invitation to 'a dinner with the Premier' may be taken to imply special access without any special claim. On the other hand, it may not. The bill focuses on ministers and fails to recognise that the stakeholders want to influence parliamentarians, especially those in the Legislative Council, including Independents and, to be frank, including the Greens. The Liberal opposition welcomes efforts which will substantially improve the transparency and accountability of the parliament. The Liberal opposition cannot support this bill as, in our view, it will not do so.

The Hon. M. PARNELL (17:05): I will sum up and I commence by thanking the Hon. Stephen Wade for his contribution. I thank him in the context of the fact that he is representing the Liberal Party and they have seen fit to put their view on the record compared to the people on the other side of the chamber in the Labor Party who have decided not to engage in this bill at all. They have such contempt for the South Australian people that they are not prepared to put on the record their defence of their dodgy fundraising activities. They know that this bill is aimed at them; they know that is it aimed at SA Progressive Business. They know that they sell access to ministers as a party-political fundraiser and they know it is wrong, and they do not have the courage to come into this chamber and defend their behaviour.

We could have avoided a division on this bill but we are going to have to divide on it now because the government has not put their position on the record. I will at least insist on them voting one way or the other. If they have had a road to Damascus and they have a pleasant surprise for

me, I wait to see in a few minutes. I am always prepared to be surprised. It is an appalling situation that the government is not prepared to defend its position, defend its record and honour the democratic processes of this house.

Having said that I am appreciative of the Liberals having put their position, I am disappointed that they are not prepared to accept this bill. The Hon. Stephen Wade has said that he endorses what we are trying to do—he gets it. Clearly, he gets that there is a problem, yet he has not seen fit to support this bill. My invitation to the Liberal Party would be that some time very soon, well before the next election, put on the record what you would do; put on the record how you think integrity should be applied to party-political fundraising, because whilst it is fine for the Liberals to welcome the Greens' attempts, if they are not going to support these attempts, they need to make their own.

I do not accept the criticism that the bill is so full of loopholes as to be unworkable. As the honourable member said, all it does is draw attention to the quality of advertising and the clumsy advertising of political fundraisers will be caught, but clever advertising will not be. I think the South Australian people expect more of us than that. I think they expect that we do the right thing and that any attempt to wriggle around this bill (were it to pass) would be heartily condemned by the South Australian community.

With those brief words of summing up, I do urge all members to support this bill and, as I have said, in the absence of the government putting their position on the record, unless I win it on the voices, a division will be necessary.

The council divided on the second reading:

AYES (6)

Bressington, A.	Brokenshire, R.L.	Darley, J.A.
Franks, T.A.	Hood, D.G.E.	Parnell, M. (teller)

NOES (14)

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

Majority of 8 for the noes.

Second reading thus negatived.

STATUTES AMENDMENT (SEX WORK REFORM) BILL

Adjourned debate on second reading.

(Continued from 17 October 2012.)

The Hon. S.G. WADE (17:14): I rise to speak on the Statutes Amendment (Sex Work Reform) Bill 2012. This bill is a conscience vote for both the Liberal Party and the Labor Party, and I presume other parties as well. I take this opportunity to express my concerns after six years of service in this place about the way conscience votes are managed. I stress that I do not discourage conscience votes; in fact, my party affirms the right of every member of the party to vote according to their conscience on any issue before the parliament.

However, when a bill is deemed by the party to be a conscience bill the normal responsibilities on shadow ministers to research the issues and prepare information for the party room is lessened. Further, the party's role in coordinating the orderly progress of the bill is also limited. In relation to information, I have been impressed by the diligence of members in preparing for and considering conscience votes, but I am of the view that parliamentary consideration of conscience bills would be improved if conscience bills received more stakeholder input, more consideration and more scrutiny.

Similarly, I am very concerned that the less structured coordination of the parliamentary consideration of conscience bills can mean that members are not given an adequate opportunity to

consider some conscience bills and in particular amendments to those bills. It is my view that both problems could be alleviated to some extent by some conscience bills being referred to a parliamentary committee. A committee might not consider the issue in the broad but focus on the prospects of the bill referred addressing the mischief highlighted.

If there are alternative modes of reform, alternative bills can be referred to the committee. In my view this bill is a bill that would benefit from such committee consideration. I accept that the current law needs reforms. I have consulted SA Police and am advised that there is a view that the policing of brothel-based prostitution is problematic in South Australia due to the current legislation and precedence set by Australian courts, but the question for me and this chamber is: what reform is needed?

The bill contains one model; I know there are others. Former police commissioner Hyde requested that any regulatory system that is put in place must be practically effective and workable for police. That is an eminently reasonable request. I am willing to consider the model contained in this bill, but at this stage I feel I need more information and am concerned to ensure that the consideration of the bill is orderly.

I indicate that, at this stage, I am considering moving an amendment to the motion that the bill be read a second time with a view to the bill being referred to a parliamentary committee. The committee could be a standing committee, such as the Social Development Committee, or a select committee. I have expressed my concerns to some of my colleagues who indicate that they share them and that they would also support a referral to a committee.

On this note I invite any member to indicate their view on the suggestion, and I will consider moving a possible referral motion before the next Wednesday of sitting. To enable that consultation and any subsequent notions, I seek leave to continue my remarks.

Leave granted; debate adjourned.

NULLARBOR NATIONAL PARK

The Hon. I.K. HUNTER (Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (17:18): I move:

That this council requests His Excellency the Governor to make a proclamation under section 28(2) of the National Parks and Wildlife Act 1972 excluding section 496, Out of Hundreds (Nullarbor) from the Nullarbor National Park.

The purpose of the motion is to excise this parcel and the infrastructure located on the land from the Nullarbor National Park. Under section 28(3) of the National Parks and Wildlife Act 1972 an alteration to the boundaries of a national park requires a resolution of both houses of parliament and a subsequent proclamation by the Governor.

The Nullarbor National Park is located in the Far West of South Australia, stretching approximately 300 kilometres east from the Western Australian border. The government will shortly be proclaiming the Nullarbor Wilderness Protection Area which will largely replace the Nullarbor National Park. As section 496 will not be part of the wilderness area, the tenure of section 496 cannot reasonably remain as a residual national park and its resumption as crown land will provide a more appropriate ongoing tenure for the land.

Section 496 is located on the extreme eastern boundary of the Nullarbor National Park and at 589 hectares comprises 1 per cent of the national park's total area of 578,000 hectares. This section contains an airstrip and dump, which is currently licensed under the National Parks and Wildlife Act 1972, to support the operations of the adjoining Nullarbor Roadhouse, which is located on freehold land. Section 496 also contains large areas of borrow pits operated by the Commissioner of Highways for the maintenance of roads in the area, in particular the adjoining Eyre Highway.

The biodiversity values of section 496 are present elsewhere in the vast expanse of the Nullarbor National Park and the adjoining Nullarbor Regional Reserve. The vegetation across both reserves is predominately a low chenopod understorey of bluebush, saltbush and other species, and the area is renowned as a treeless plain. This area proposed to be abolished from the national park will be resumed as unalienated crown land under the Crown Law Management Act 2009, and the owners of the Nullarbor Roadhouse will be issued a licence under that act, allowing them to continue to use the infrastructure on section 496 under the same terms and conditions they currently enjoy.

This government is committed to wilderness protection and has proclaimed over 800,000 hectares of wilderness area since 2002. As previously mentioned, we will soon be proposing the proclamation of the Nullarbor Wilderness Protection Area under the Wilderness Protection Act 1992. This will cover an area of 900,000 hectares along the western coast of South Australia. The Nullarbor Wilderness Protection Area will make up one of the largest wilderness areas in Australia.

The wilderness protection area will comprise land that is currently the Nullarbor Regional Reserve and also the majority of the Nullarbor National Park, with the exclusion of section 496. The excision of section 496 has been supported by the Wilderness Advisory Committee, a body which provides advice to the government under the Wilderness Protection Act 1992, the Far West Coast native title claimants and the directors of the Nullarbor Roadhouse. I commend the motion to the council.

The Hon. J.M.A. LENSINK (17:22): I rise to indicate support for this motion, which has just been outlined by the minister in relation to the Nullarbor Wilderness Protection Area and exclusion of section 496 airstrip and dump, which support the operations of the Nullarbor Roadhouse. The member for Norwood and myself were appreciative of receiving a briefing on this area and are satisfied that this is in order, and it is consistent with motions that have been moved and accepted by both houses of parliament in relation to other areas which ought to be excluded.

We have the protections in this state that if any area that has been proclaimed is to be unproclaimed (if that is a term I can use) then a motion needs to go before both houses of parliament and that has been a longstanding tradition, which is entirely appropriate to ensure we provide legislative protection to those particular areas.

I note that in the minister's contribution he mentioned the number of areas that are proclaimed, and I look forward to the debate we will have in future about reviews of the classification of parks, because I hope that in so doing we will be able to get to the bottom of the reduction in staffing for management of parks, which may be comments that are not directly related to this, but it is an area in which this government has distinctively failed the environment of South Australia. In relation to this particular area, it is entirely appropriate that it is not contained within the wilderness protection area and therefore we support the motion.

Motion carried.

TRUSTEE COMPANIES (TRANSFERS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 13 November 2012.)

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for Tourism, Minister for the Status of Women) (17:25): I have been advised by the Greens that the Hon. Mr Parnell does not want to make a contribution. Given that, I will take this opportunity to make a couple of brief concluding remarks. I would like to thank members for their contribution to the second reading and for their support for this bill. I look forward to dealing with it expeditiously through the committee stage.

Bill read a second time.

Bill taken through committee without amendment.

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for Tourism, Minister for the Status of Women) (17:28): I move:

That this bill be now read a third time.

Bill read a third time and passed.

FIRST HOME OWNER GRANT (HOUSING GRANT REFORMS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 13 November 2012.)

The Hon. D.G.E. HOOD (17:28): Family First strongly supports the First Home Owner Grant (Housing Grant Reforms) Amendment Bill. At the outset I wish to express my gratitude to the Premier, who invited me to join the industry round table discussion to consider some ways to

stimulate the building industry, and I was very pleased to be a part of that. So I just place on record my thanks to him and to the planning minister, John Rau, for the same courtesy.

The discussions were very positive, and this bill is the result, as are some other initiatives that have already been introduced. I believe it will prove to be a very positive step, both for the home building industry, and also for young couples and families of all shapes and sizes seeking to establish themselves in a home of their own where they can raise their family and build their lives.

For some time now, the housing industry in this state has unfortunately been in decline. Figures in a report from the Australian Bureau of Statistics released on 17 October this year show the following: firstly, as to the total value of the building work done in South Australia:

> The trend estimate of the total value of building work done in South Australia fell 0.3 per cent in the June quarter and has fallen for eight [consecutive] quarters.

Secondly, the number of dwelling unit commencements in South Australia in the June quarter was 1,895. This is the lowest in any quarter in the 2011 or 2012 calendar years. This figure has been in steady decline since 2009-10, where the number of dwelling unit commencements was 12,007, being an average of about 3,000 a quarter. That is an average of 3,000 a quarter, compared to the most recent figures of just about 1,895 a quarter—clearly, a very substantial decline.

It is clear, from these figures and a multitude of other figures which are widely available, that both the general building industry and the housing industry are suffering at the present time. Unless something is done, businesses will be unable to continue, and managers and skilled tradespeople will have no option but to move interstate or take up other occupations, something I am sure nobody in this chamber would like to see happen.

These considerations compel the conclusion that some intervention is required. As I said, Family First supports this proposal, which will encourage the building of new houses, particularly on land newly made available, where it is affordable for first home buyers in particular. Family First supports measures that promote and assist South Australian businesses, including home builders, of course. Whilst industries should generally be self-sustaining, there are times when an industry needs special support from government, and I believe this is one of those occasions.

The other side of the coin is that Family First, of course, given the name of our party, supports families. Many of those who benefit from these grants will be young families or people intending to start a family. Those families starting out and seeking to establish themselves face daunting financial pressures. It is appropriate to support them in buying their first home in one way or another.

While grants for first home owners have been in place for some time, the increased grants available under this bill will have a positive impact and provide a positive incentive for people to get on with it, so to speak, that is, to make a decision, commit to building, and begin the process. I am confident that the vast majority of families that benefit from the grants in this bill will, in due course, make a valuable contribution back to society through the raising of a family and working to pay off their mortgage. In this way, the housing industry, families and indeed the whole community benefits.

Of course, there is also the multiplier effect, whereby people who build new homes need fridges, washing machines, carpets, curtains, driveways, fencing, etc. All of these things provide valuable employment, and it has been suggested by learned economists many times that the building industry actually has the highest multiplier effect of any of the industries that exist. So, it is one worthy of support, in my view, from time to time. It is of course subject to great fluctuations in concert with economic cycles, and I think that is one of the reasons we have seen such a substantial downturn.

I briefly mention a few of the financial incentives provided in this bill. The First Home Owner Grant is increased from $7,000 to $15,000 for contracts to build new homes. The grant for established homes will be reduced from $7,000 to $5,000 and will later be abolished. Family First is comfortable with all of these measures. The First Home Buyers Grant of $8,000 will be replaced by a housing construction grant of $8,500 for new homes.

These measures are clearly aimed at encouraging first home owners in particular to build new homes, rather than buying established homes. This will greatly assist the struggling home building industry, and indeed see all the multiplier effects ripple through the economy at times of great need. There are caps on the value of homes that qualify for these grants, and I believe that is appropriate as well.

I note with interested that the upper limit for value of a home in relation to the First Home Owner Grant is $575,000 but the upper limit of value for the Housing Construction Grant is $450,000. I am not sure of the reason for the difference in these figures, but be that as it may, the measures will have a positive effect, and Family First supports them. We support the objectives of this bill; I think they are appropriate remedies for an emergency situation.

The Hon. R.I. LUCAS (17:35): I rise on behalf of the Liberal Party to support the second reading of the bill. As was outlined by the member for Davenport in a lengthy contribution in the House of Assembly, this bill seeks to do a number of things. In particular, it increases the First Home Owner Grant for new homes from $7,000 to $15,000 for contracts entered into on or after 15 October 2012. It also reduces the First Home Owner Grant for established homes from $7,000 to $5,000, and the grant will be abolished for established homes from 1 July 2014. The bill removes the phase-out of the First Home Bonus Grant from $8,000 to $4,000 from 1 July 2012, as announced in 2012-13 budget. The First Home Bonus Grant will remain at $8,000 for eligible transactions entered into between 1 July 2012 and 14 October 2012.

As the member for Davenport outlined on behalf of the Liberal Party, he sought feedback from a number of industry groups. He received responses from some of those, which were generally supportive—as one would imagine, the Housing Industry Association and others. The Law Society raised some technical issues. I understand, when we debate the committee stage, that the minister may move amendments, which in part I think have been raised as a result of issues that the member for Davenport and the Law Society have raised. I guess we can discuss those at the committee stage.

I have only just become aware in the last 24 hours of some concerns that have been raised with the member for Davenport and the Liberal Party from Lutheran Community Housing. I want to raise with the government and, in particular, the government's advisers the questions that they have raised. I had indicated earlier that my understanding was that we were going to support the minister's amendments that picked up the issues from the Law Society and that we were happy for the committee stage to progress today.

However, what I would like to do is to outline the concerns that Lutheran Community Housing has raised and ask whether the government can at least consider those overnight and bring back a response tomorrow as to whether or not the government acknowledges that there are some concerns—or whatever their response might be—to the issues that Lutheran Community Housing has raised with the member for Davenport. For the record, I will put on *Hansard* what Lutheran Community Housing has raised. They state:

> ...I have noted the following points as key issues which are either unclear, unresolved or should be included if the legislation is going to achieve its purpose of promoting housing construction without being limited to only some projects. From my observations the economy is in need of every assistance at this moment and particularly the new housing sector.
>
> - Iain—

that's the member for Davenport—

> sought clarity on 'market value' which apparently includes land and construction as opposed to the more sensible proposition of legislation relating to construction value. Inner suburb housing construction will be penalised because of the higher land value compared to development further out. In his reply, the Treasurer did not answer the question in context with the purpose of the amendment.
>
> - If multiple houses are built on one title, will the grant apply on each of the 4 houses. We have a situation whereby land is held as one title and it is proposed to build 4 houses for the purpose of affordable rental housing or a mini development under the Retirement Villages Act on that land. Either way 4 contracts to construct 4 independent houses (total value approx. $800,000) will result on land valued at approx. $200,000. 'Market Value' on the project will be approx. $1,000,000 over 4 houses. It would appear that the Treasurer did not understand the intent of the question.
>
> In his summary the Treasurer states:
>
> 'That grant is available to any purchaser of a newly constructed home. Indeed, a person can buy multiple homes and receive the grant for each of those homes. This measure is about stimulating the housing construction market.
>
> If an overseas investor, a trust, company or an individual investor wants to go out there and build a dozen homes, then we are achieving what we have set out to do. It is really about kickstarting the housing construction industry. It does run out on 30 June, so it does not entail any long-term liability or financial issues for the state because it is only available for a very short period of time.'

That is the end of the Treasurer's quote. Lutheran Community Housing then goes on to say:

- It is critical that legislation covers various entities, including companies, trusts associations etc.
- It is critical that land value is taken out of the equation and that criteria is based on construction value.

As I said, these concerns of Lutheran Community Housing have only become apparent to me in the past 24 hours. So, whilst the Liberal Party supports the legislation, we will listen to the government's arguments relating to the amendments it is going to move to its own bill during the committee stages, which we understand are possibly as a result of the concerns raised by the Law Society. We do ask the government whether it is prepared to take advice on the concerns of the Lutheran Community Housing overnight and bring back a response tomorrow when, hopefully, we might be able to conclude the debate on the bill.

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for Tourism, Minister for the Status of Women) (17:42): I thank honourable members for their second reading contributions and their support for this most important bill. This bill is about introducing legislation that requires changes to the housing assistance grants, it is about providing a boost to the state's housing construction industry, helping to stimulate the property sector and secure jobs. So, it is a very positive piece of legislation. A number of issues have been raised and I am happy to attempt to address those through the committee stage, perhaps at clause 1 or wherever the appropriate clause is, and to progress the thing as far as we possibly can this evening. I recommend the bill to the council.

Bill read a second time.

In committee.

Clause 1.

The Hon. R.I. LUCAS: As the person handling this bill in the upper house, this is the first stage of the debate, so it is not as though the bill has been delayed. I have raised some questions on behalf of Lutheran Community Housing, which I have read via email from the member for Davenport's office. I have not had direct discussions with Lutheran Community Housing. I have asked the minister and the government whether they are prepared to provide advice now if they have the answers and then report progress so that I can then consult the member for Davenport and Lutheran Community Housing and conclude the debate tomorrow. If they do not believe they can answer the questions now, they can provide answers tomorrow so that we can hopefully conclude the debate tomorrow.

I have read in full the information that I have from Lutheran Community Housing. It has quoted the Treasurer's response in the House of Assembly, about which it still has concerns, and it has asked further questions. So it is really over to the government in terms of how it would like to handle it from here.

The Hon. G.E. GAGO: In relation to the question asked by the Hon. Rob Lucas regarding how market value is ascertained, I am advised that, with regard to market value, the same definitions are being used and have been used since 2008. Market value is a commonly used and accepted term and has not caused any issue with the administration of the current act.

Market value refers to the value of a home, including the land it is situated on. The act sets out how these values are to be calculated but, in most cases, transactions are done at arm's length and the market value is equal to what the purchaser pays the vendor for the home and the land. In relation to the other more specific questions, I am advised that we do not have those details available at this point in time, so I am happy to take those on notice and bring back a response.

The Hon. M. PARNELL: I will take this opportunity to put a couple of questions on the record. What analysis has the government done regarding the inflationary impact of first home owners schemes? I ask that question in light of the history of these schemes. I am advised that when the Labor federal government first introduced a home owners scheme in the 1980s, house prices jumped by 30 per cent. The Howard government reintroduced a scheme in 2000 and house prices went up 16½ per cent the following year. So my question is: what analysis has the government done to ensure that any assistance to home buyers is not just passed on through higher house prices so that there is no real benefit to anyone other than those selling houses?

The Hon. G.E. GAGO: I have been advised that there has been no specific analysis done. However, the $8,500 component is time limited, so any impact will be limited to that. The view is that, although there is an understanding that with these sorts of grants some component of that may be passed on in terms of general inflationary outcomes, the main purpose of this particular

scheme is to act as a specific stimulus to the construction industry that is in significant dire straits. We believe that the benefits of that are going to far outweigh any of the other offsets that may occur.

Progress reported; committee to sit again.

WILLS (INTERNATIONAL WILLS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 1 November 2012.)

The Hon. S.G. WADE (17:52): I rise on behalf of the Liberal opposition to indicate our support for the Wills (International Wills) Amendment Bill 2012. The Attorney-General introduced the bill in the House of Assembly on 17 October 2012. The bill proposes to incorporate uniform international law into the Wills Act 1936. The uniform law seeks to provide recognition and consistency between international jurisdictions for wills and operates in addition to existing state and territory law on wills.

The uniform law was developed by UNIDROIT, which stands for the International Institute for the Unification of Private Law. UNIDROIT has 12 state partners, including Australia, Canada, France and Italy, as well as eight other foreign state signatories. Australia has been a member of UNIDROIT since 1973, but it is not a signatory to the UNIDROIT convention.

In July 2010, the Standing Committee of Attorneys-General, commonly known as SCAG, agreed to adopt the uniform law so that Australia could accede to the convention. The bill proposes to insert the uniform law into schedule 1 of the Wills Act 1936. The international will requirements are similar to the requirements for wills under South Australian law, albeit with an additional requirement that it be certified by an authorised person.

The convention states that, given the power to designate who should be an authorised person, SCAG agreed that in Australia the authorised persons should be legal practitioners and public notaries. During consultation on the bill, the Law Society of South Australia suggested that legal practitioners be one of the authorised persons. An authorised person must attach a certificate to the will stating that the proper formalities have occurred.

Equivalent legislation passed the Australian Capital Territory legislature on 27 March 2012 and Victoria on 27 June 2012, and I understand it is currently being considered in both the Tasmanian and Western Australian parliaments. The amendment to the Wills Act recognises the impact of international migration on our population. The Liberal opposition welcomes the fact that the amendment to the Wills Act will assist citizens of UNIDROIT countries who migrate to Australia and South Australians who have beneficiaries in other UNIDROIT jurisdictions.

Our largest migrant source country, the United Kingdom, is a signatory to the convention. The second, Italy, is not a signatory but has ratified the convention. If South Australians do not need to avail themselves of this interjurisdictional recognition, or do not wish to go to the trouble of obtaining a certificate from an authorised person, they would still retain the choice to have a will under the existing provisions. I commend the bill to the council.

Debate adjourned on motion of Hon. K.J. Maher.

STATUTES AMENDMENT AND REPEAL (BUDGET 2012) (NO. 2) BILL

Second reading.

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

That this bill be now read a second time.

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

Leave granted.

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

This Bill amends the *Education Act 1972*, *Electricity Corporations Act 1994*, *Electricity Corporations (Restructuring and Disposal) Act 1999*, *Highways Act 1926*, *Local Government Act 1999*, *Parliament (Joint Services)*

Act 1985, *Payroll Tax Act 2009*, *Public Finance and Audit Act 1987*, *Public Sector Act 2009*, *Residential Tenancies Act 1995*, *Stamp Duties Act 1923*, *Summary Procedure Act 1921* and repeals the *State Bank of South Australia Act 1983*.

To support the government's objective of creating a vibrant city for people to live and work in and to encourage higher density inner metropolitan, living in line with the government's 30 Year Plan, this Bill amends the *Stamp Duties Act 1923* to introduce a stamp duty concession that will apply for the next four years for purchases of off-the-plan apartments in the Adelaide City Council area, Bowden Village and at 45 Park Terrace, Gilberton.

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

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

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

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

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

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

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

This Bill amends the *Electricity Corporations Act 1994* and the *Electricity Corporations (Restructuring and Disposal) Act 1999* to allow RESI Corporation (RESI) to finish its operations and to put in place a scheme to enable the dissolution of RESI in an orderly fashion.

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

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

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

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

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

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

The new public sector skills and experience retention entitlement is based on completed months of service and will be phased in with up to two working days entitlement in 2012-13, up to three working days entitlement in 2013-14, and then fixed at a maximum of four working days entitlement from 2014-15 onwards.

There is a transitional entitlement of up to two working days in relation to 2011-12 provided the person was employed as at 1 July 2012. The entitlement will accrue on a monthly basis and will be pro-rata for part-time employees.

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

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

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

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

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

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

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

Since its establishment in 1994, SAAMC has:

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

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

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

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

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

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

Existing roads that will vest in the Commissioner are the South Eastern Freeway, and the Port River, Southern and Northern Expressways. Future roads, to be identified by regulation, will also be major controlled

access arterial roads like these expressways. In these cases, the land that will vest in the Commissioner will be land that has been acquired for the purpose of making the road, land that was already road (and was therefore vested in the relevant Council) or land that was already Crown land. These are roads where the Commissioner has, or is intended to have, responsibility for maintenance of all of the road corridor.

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

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

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

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

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

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

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

This Bill amends the *Summary Procedure Act 1921* so that in proceedings for an offence prosecuted by a police officer that are dismissed or withdrawn, costs may only be awarded if it is proper to do so. The amendment sets out the circumstances relevant to the making of a costs order, including whether the prosecution of the offence was conducted in good faith and whether the investigation into the offence was conducted in an appropriate way. The costs are not to exceed $2,000 (including GST) indexed annually by CPI.

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

This clause is formal.

2—Commencement

This clause provides for commencement of the measure. The provisions will commence on a day or days to be fixed by proclamation apart from Parts 2, 7, 8 and 10 and clause 36 (which will be taken to have commenced on 1 July 2012) and clause 35 (which will be taken to have commenced on 31 May 2012).

3—Amendment provisions

This clause is formal.

Part 2—Amendment of *Education Act 1972*

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

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

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

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

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

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

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

5—Amendment of section 20—Taking of leave

This is a consequential amendment.

6—Transitional provisions

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

Part 3—Amendment of *Electricity Corporations Act 1994*

Division 1—Amendment of Act

7—Amendment of section 4—Interpretation

These are consequential amendments.

8—Repeal of Part 2

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

9—Amendment of section 34—Establishment of corporation

This is a consequential amendment.

Division 2—Transitional provisions

10—Interpretation

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

11—Assets and liabilities of RESI

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

12—Redeployees

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

13—Related provisions

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

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

14—Amendment of section 3—Interpretation

These are consequential amendments.

Part 5—Amendment of *Highways Act 1926*

15—Amendment of section 7—Interpretation

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

16—Amendment of section 20—General powers of Commissioner

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

17—Insertion of section 21A

This clause inserts a new section as follows:

21A—Certain roads and land vest in Commissioner

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

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

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

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

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

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

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

These clauses make minor consequential amendments.

23—Insertion of section 30AC

This clause inserts a new section as follows:

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

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

24—Amendment of section 30B—Provision for compensation

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

25—Insertion of section 42B

This clause inserts a new section as follows:

42B—Registrar-General to issue certificate of title

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

Part 6—Amendment of *Local Government Act 1999*

26—Insertion of section 240A

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

240A—Roads vested in Commissioner of Highways

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

Part 7—Amendment of *Parliament (Joint Services) Act 1985*

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

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

28—Insertion of section 36

This is a consequential amendment.

29—Transitional provisions

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

Part 8—Amendment of *Payroll Tax Act 2009*

30—Amendment of Schedule 2—South Australia specific provisions

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

Part 9—Amendment of *Public Finance and Audit Act 1987*

31—Amendment of section 18—Financial arrangements

This is a consequential amendment.

Part 10—Amendment of *Public Sector Act 2009*

32—Amendment of Schedule 1—Leave and working arrangements

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

33—Transitional provisions

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

Part 11—Amendment of *Residential Tenancies Act 1995*

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

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

Part 12—Amendment of *Stamp Duties Act 1923*

35—Insertion of section 71DB

This clause establishes a scheme to provide for concessions with respect to stamp duty payable on conveyances that give effect to the purchase under off-the-plan contracts of apartments (being apartments that are to be situated in multi-storey residential developments) within the City of Adelaide and certain areas close to the City.

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

36—Amendment of Schedule 2—Stamp duties and exemptions

The following instruments are to be exempt from stamp duty:

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

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

Part 13—Amendment of *Summary Procedure Act 1921*

37—Amendment of section 189—Costs generally

This amendment is consequential.

38—Insertion of section 189AA

This clause inserts a new section 189AA as follows:

189AA—Costs payable by Crown in certain criminal proceedings

New section 189AA provides that, in proceedings for an offence prosecuted by a police officer that are dismissed or withdrawn, costs may only be awarded if it is proper to do so. Subsection (2) sets out a list of circumstances relevant to the making of a costs order. Subsection (3) provides that costs must not exceed $2,000 (indexed to CPI).

Part 14—Repeal of *State Bank of South Australia Act 1983*

Division 1—Repeal of Act

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

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

Division 2—Transitional provisions

40—Interpretation

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

41—Vesting of assets and liabilities

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

42—Additional provisions

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

43—Related provisions

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

Debate adjourned on motion of Hon. R.W. Ridgway.

PAYROLL TAX (MISCELLANEOUS) AMENDMENT BILL

Second reading.

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

That this bill be now read a second time.

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

Leave granted.

The *Payroll Tax (Miscellaneous) Amendment Bill 2012* (the 'Bill') contains two amendments to the *Payroll Tax Act 2009* (the 'Act') in order to maintain payroll tax harmonisation across Australia. These amendments are proposed to take effect from 1 July 2013.

The first amendment removes outdated references to Commonwealth legislation in the employee share scheme provisions. The Commonwealth Government announced changes to the method of taxing employee share schemes in the 2009 Budget, which took effect from 1 July 2009. Retrospective Commonwealth legislation was assented to on 14 December 2009, and included the transfer of the relevant provisions from the *Income Tax Assessment Act 1936* to the *Income Tax Assessment Act 1997*.

The retrospective effect of the Commonwealth legislation and changes in the way the new Commonwealth legislation taxes shares and options have made it necessary to amend provisions of the Act to reflect the Commonwealth changes.

Transitional provisions will allow employers to pay payroll tax on the grant of shares and options from 1 July 2009 to before 1 July 2013 under the current provisions or under the proposed new provisions. There is considered to be little material difference in the impact of the two sets of provisions.

The second amendment clarifies the application of the maternity and adoption leave exemption. Currently, the 14-week exemption period can be pro-rated to the equivalent of 14 weeks leave for full-time employees who take their leave at less than full pay, but the Act arguably does not provide equivalent treatment for part-time employees. To ensure consistent and equitable treatment of wages paid to full-time and part-time employees and in line with current administrative practice, this amendment will put beyond doubt that the 14-week period can be pro-rated for part-time employees on the basis of the wages that would have normally been paid for that period.

This government is committed to enhancing the productivity and competitiveness of the South Australian economy by ensuring that no unnecessary burden is imposed on South Australian business. In line with this commitment the government has continued efforts to maintain the harmonisation of payroll tax legislation across Australia, which has seen significant administrative savings for business. To maintain harmonisation these amendments were developed in consultation with the other States and Territories.

I commend this Bill to the House.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Payroll Tax Act 2009*

4—Amendment of section 3—Interpretation

This clause removes a reference in the definition of *share* in the Act to a provision of the *Income Tax Assessment Act 1936* of the Commonwealth that has been repealed. As a result, a 'stapled security' will have its ordinary meaning for the purposes of the definition.

5—Amendment of section 18—Inclusion of grant of shares and options as wages

This clause amends section 18 to provide that a grant of a share or an option to an employee by an employer, in respect of services performed by the employee, constitutes wages for the purposes of Part 3 Division 4 of the Act only if the share or option is an ESS interest and is granted to the employee under an employee share scheme (within the meaning of section 83A–10 of the *Income Tax Assessment Act 1997* of the Commonwealth). A grant of a share or an option to an employee by an employer that is not an ESS interest under an employee share scheme will be taxable as a fringe benefit under Part 3 Division 2 of the Act.

6—Amendment of section 19—Choice of relevant day

This clause (in subclause (1)) amends section 19 to set out the circumstances in which a share or option is taken to be granted to a person for the purpose of determining when payroll tax is payable. The provision replaces a reference to a repealed provision of the *Income Tax Assessment Act 1936* of the Commonwealth which previously set out those circumstances.

Subclause (2) amends section 19 to provide that the vesting date of a share or option is taken to be the date at the end of 7 years after the grant of the share or option, if it has not occurred before that date.

7—Amendment of section 23—Value of shares and options

The Act currently provides that the value of shares or options is to be determined in accordance with provisions of the *Income Tax Assessment Act 1936* of the Commonwealth that have been repealed. This clause provides that the value of shares or options is either the market value or the amount determined in accordance with new provisions in the *Income Tax Assessment Act 1997* of the Commonwealth. The employer may elect the method by which the value of the share or option is determined in any return lodged by the employer. Subclause (1) makes a consequential amendment.

8—Amendment of section 24—Inclusion of shares and options granted to directors as wages

This clause amends section 24 to make it clear that the grant of a share or option by a company to a director of the company who is not an employee of the company is to be taxed under Part 3 Division 4 of the Act or as a fringe benefit.

9—Amendment of section 53—Maternity and adoption leave

This clause makes an amendment that clarifies the exemption (in section 53) from payroll tax wages paid or payable in respect of 14 weeks maternity leave. The amendment provides that wages are exempt from payroll tax if they are paid or payable in respect of a period of maternity leave equivalent to 14 weeks part-time leave at a reduced rate of pay. For example, the exemption may apply to wages paid or payable for maternity leave that extends to 28 weeks at half of the part-time rate of pay that would normally apply to the employee.

10—Amendment of Schedule 3—Transitional provisions

This clause provides for transitional provisions that—

(a) validate any decision made by an employer before the commencement of the proposed amendments to treat the grant of a share or an option as a fringe benefit for the purposes of payroll tax (rather than as a share or option under Part 3 Division 4 of the Act) if that decision would have been validly made had the proposed amendments been in force; and

(b) allow for certain shares or options to continue to be treated as shares or options to which Part 3 Division 4 (as amended by the Act) applies, even if, as a result of the amendments, the shares or options should be treated as fringe benefits under Part 3 Division 2, if the shares or options were granted before 1 July 2013.

Debate adjourned on motion of Hon. D.W. Ridgway.

At 17:58 the council adjourned until Thursday 15 November 2012 at 14:15.