

LEGISLATIVE COUNCIL

Thursday 15 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) (14:18)**: I move:

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

Motion carried.

REPATRIATION GENERAL HOSPITAL

The Hon. R.L. BROKENSHERE: Presented a petition signed by 572 residents of South Australia requesting the council to cease any plans or investigations into closure of the Acute Referral Unit at the Repat General Hospital at Daw Park and instead invest in supporting and enhancing its work.

VISITORS

The PRESIDENT: Joining us in the gallery are year 5 students from the St Francis of Assisi School. Welcome to the Legislative Council.

PAPERS

The following papers were laid on the table:

By the President—

District Council of Wudinna—Report, 2011-12

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

Reports, 2011-12—

Technical Regulator: Electricity

Technical Regulator: Gas

By the Minister for Industrial Relations (Hon. R.P. Wortley) on behalf of the Minister for Communities and Social Inclusion (Hon. I.K. Hunter)—

The Council for the Care of Children

QUESTION TIME**GLENCOE NURSERY**

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:21): I seek leave to make a brief explanation before asking the Minister for Forests a question regarding the Glencoe nursery and contradictions between the minister and the Treasurer.

Leave granted.

The Hon. D.W. RIDGWAY: On 7 May, in a letter now obtained by the opposition, the Treasurer wrote to the Wattle Range Council. The Treasurer assured and faithfully promised the council that following the forward sale of the long-term timber rotations the Glencoe nursery would continue to be owned by the government and operated by ForestrySA. In response to a question in this place on Tuesday, the minister herself further assured and faithfully promised South Australians that the forward sale did not include the Glencoe nursery.

However, as often happens in this place, the minister was wrong. She had to make a personal explanation. She finally revealed what the opposition, the industry and worried South-East families had dreaded and suspected—that the Glencoe nursery was and had been included in the forward sale. The minister did not know even that when it was asked of her. My questions to the minister are:

1. Why did the Treasurer promise the nursery would not be sold in May, only to sell it secretly later?
2. Who will now take responsibility for fire management and firefighting at the Glencoe nursery?
3. Has the Mount Burr depot been sold?
4. Can the minister table what other ForestrySA assets have been secretly sold?

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) (14:23): Indeed, Glencoe is still owned by the government. It is still operated by ForestrySA as per the government's commitments and, in fact, it has been leased (that is the advice I have received) to OneFortyOne Plantations for the same period as the rest of the plantation estate.

As I indicated yesterday, the matters around the management of the Glencoe nursery were done fairly late in the negotiations. I am advised that the reason why Glencoe was in the end included in the lease was to ensure the continuity of seedling supply for the estate and ensure seamless handling of fire management and the like across all estate areas, including Glencoe.

GLENCOE NURSERY

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:24): I have a supplementary question. Has the Mount Burr depot been sold or leased to OneFortyOne Plantations?

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for Tourism, Minister for the Status of Women) (14:24): I do not have that detail but I am happy to take it on notice and bring back a response.

GLENCOE NURSERY

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:24): I have a further supplementary question. What other ForestrySA assets have been leased or sold to OneFortyOne Plantations that are a late addition to the contract sale?

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for Tourism, Minister for the Status of Women) (14:24): None that I am aware of, but I do not have that detail with me today so I am very happy to take that on notice and bring back a response.

GLENCOE NURSERY

The Hon. R.L. BROKENSHIRE (14:25): I have a supplementary question. In the letter to the council the government said, and I quote—

The PRESIDENT: What is the question?

The Hon. R.L. BROKENSHERE: I ask the minister why is it now that ForestrySA will not into the future be continuing to operate the nursery as promised by the government?

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for Tourism, Minister for the Status of Women) (14:25): Honourable members in this place need to listen. I have already answered that question. I have outlined what the arrangement for Glencoe was and the reason for it—and it is a sound, rational reason. I have indicated that it is being leased to OneFortyOne and operated by ForestrySA. I have outlined the reasons for that—that is, in terms of the continuity of seedlings—and for the seamless management of fire across that region.

I would have thought that that is a very sensible thing to be doing. I would expect the honourable member to be getting to his feet and congratulating the government for ensuring that these responsible provisions are included, but no: we have members sitting here and not listening to information that is given in answers and getting up and asking redundant questions.

GLENCOE NURSERY

The Hon. R.L. BROKENSHERE (14:26): I have a further supplementary; a very important issue. Given that the nursery was included, according to the minister, late in the forward sale process, did it affect the overall sale price and, if so, what price was received for the nursery?

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) (14:26): The honourable member knows that the financial details of these arrangements are commercially confidential. The final price that was arrived at is public information, and I am happy to indicate the details of what that includes and does not include.

GLENCOE NURSERY

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:27): I have a further supplementary question. Who is paying the salaries of the staff at the Glencoe nursery? The minister said it is still owned and operated by ForestrySA but leased by OneFortyOne Plantations.

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) (14:27): I have answered.

The Hon. D.W. RIDGWAY: No, you haven't. I beg your pardon, Mr President; she has not answered it.

The PRESIDENT: The honourable minister.

The Hon. G.E. GAGO: I have already outlined that, in fact, it is being operated by ForestrySA and ForestrySA staff.

GLENCOE NURSERY

The Hon. R.L. BROKENSHERE (14:27): I have a further supplementary question. Given the serious concern—

Members interjecting:

The PRESIDENT: The Hon. Mr Brokenshire, just hang on a second.

Members interjecting:

The Hon. G.E. Gago: It has been leased for a fee. It is a lease: OneFortyOne are paying a lease.

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

The Hon. R.L. BROKENSHERE: Given the serious concern about this—

The PRESIDENT: Ask your question.

The Hon. R.L. BROKENSHERE: —being exposed, will the minister agree to bring into the house all the details regarding when, why and how this nursery became part of the sale and privatisation of three forward rotations?

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) (14:28): I have answered the detailed question about the arrangements for Glencoe. All of that information is available. The issues around specific money, as I have indicated, is commercially sensitive. I believe that all of the relevant information has already been provided.

SOUTH EAST FORESTRY PARTNERSHIPS PROGRAM

The Hon. J.M.A. LENSINK (14:28): I seek leave to make an explanation before directing a question to the Minister for Forests on the subject of the South East Forestry Partnerships Program.

Leave granted.

The Hon. J.M.A. LENSINK: In early September the opposition, with the support of the entire South-East community reliant on the forest industry, urged the minister and her government to extend any assistance being offered to Carter Holt Harvey to other millers. All these regional timber companies have been affected by the high Australian dollar and the importation of logs from Europe and the United States.

The government has now abandoned talks with Carter Holt Harvey, retracting that \$27 million bailout package and promising it will be diverted to the industry at large. However, it has been reported that this package will be restricted. According to a report in *The Australian* it will only go to those companies that have contracts with the company which bought the publicly-owned forest resource, OneFortyOne Plantations. Furthermore, the forest workers union says the bailout is not enough to sustain the sector. According to union district secretary, Brad Coates, 'The \$27 million will have no effect whatsoever.' My questions for the minister are:

1. Why did the talks break down with Carter Holt Harvey?
2. Are negotiations continuing with Carter Holt Harvey regarding lower log prices?
3. Is assistance limited to companies that hold direct contracts with OneFortyOne Plantations?
4. What assistance will be offered to other timber companies without contracts with OneFortyOne Plantations, which are just as seriously affected by the industry crisis and the government's mismanagement of the forest sector?
5. When will the forest minister go to the South-East and hold public meetings with South-East timber workers and their families?

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) (14:30): I thank the honourable member for her important questions. It is a disgraceful distortion of the truth in terms of Carter Holt Harvey. They approached the government in negotiations and wanted to reduce the price on logs. I have outlined that in this place before in great detail.

The government was in negotiations with them for some time. We offered a significant assistance package, and they would not accept it. So, they walked away from the table. As I have said, it was a significant package, and they would not have a bar of it. So, we have redirected those funds. Again, I would have thought that the opposition should be getting to their feet to congratulate this government for this \$27 million package—a significant investment package—to go to the South-East industry to assist the industry to restructure and to assist them through this really difficult time.

The South East Forestry Partnerships Program was announced recently to facilitate the forestry industry's recovery by encouraging further investment in new and existing businesses. The program, as I have said, is a \$27 million merit-based state government grant program, which is available over two years and which is accessible by eligible applicants in the South-East who have or able to enter into contractual relations with OneFortyOne Plantations Pty Ltd.

All grants will be conditional on the recipient entering into a legally-binding contract to purchase minimum volumes of log from OneFortyOne in terms that are agreed between OneFortyOne and the grant recipient. The industry assistance is to be provided over two years, payable upon achievement of key milestones, as defined in the funding agreement. Millers in the

South-East who are not currently customers of OneFortyOne should not be discouraged as the government is very keen to facilitate appropriate contracts with OneFortyOne for them.

The following are the sorts of criteria that will ensure that these funds are spent to meet the objects we are trying to achieve. The broad objectives are to encourage forest utilisation to promote regional economic development and to contribute to the sustainable workforce. This may be achieved through initiatives such as support further value-adding along the timber supply chain; support innovation and the introduction of new technologies; attract further investment into the region; attract or develop new skill sets and career opportunities; develop renewable energy opportunities.

Applications that commit to cash contributions matching or exceeding the amount of the government's grant contributions obviously are going to be viewed very favourably. Project proposals that leverage a higher ratio of private funding are also highly desirable, and they are going to be considered more favourably as well.

Applicants must be able to demonstrate the value of their project to the state and to the South-East region and how it builds on the industry's competitive strengths and may diversify the forest and forest products industry. This was in response to the concerns that were raised about job security in that region in relation to the selling of the forward rotations of the forests there, so this is a strategy that was specifically designed to assist millers and other key stakeholders in that industry. As I said, this is a wonderful opportunity—\$27 million that has been directed to assist the industry to redirect and restructure—and more than happy to do that.

Members interjecting:

The Hon. G.E. GAGO: I have met with the union; I've met with them on a couple of occasions. It is absolute nonsense that I have not met with the unions, a nonsense. I have also met with the chair of the round table on a number of occasions, so it is absolute rubbish. This is the distortion of the truth that we see the opposition comes into this place with time and time again—distorting the truth, distorting the facts, distorting the figures. This is a fabulous initiative and it will inject real vigour into the industry. It offers great assurance in terms of the future direction of the industry and, as I said, the opposition should be standing up and congratulating this government for its vision and foresight.

GLENCOE NURSERY

The Hon. J.M.A. LENSINK (14:36): I have a supplementary question. Does the minister agree that if they had never sold the forests in the first place, this entire package would not be necessary?

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for Tourism, Minister for the Status of Women) (14:36): Nonsense. That is how little the Hon. Michelle Lensink understands about this. Part of the problem in terms of the industry at the moment, and the challenges that the sawmilling industry faces, are related to global matters. Problems with cheap logs coming in from overseas, the softening of building developments in China, the problem with the value of the Australia dollar—all of these things have affected our industry right across the nation.

One of the other issues of concern for our South Australian milling industry is that, unfortunately, there has been a lack of investment in the milling infrastructure for decades. So we have now hit difficult economic times, a part of international trends, and we have an industry that is poorly equipped to diversify and gear itself up to other milling markets because of its generally old and outdated infrastructure. So it is just a nonsense. The honourable member does not know what she is talking about. This package is invaluable, because it assists the industry—

Members interjecting:

The Hon. G.E. GAGO: Thank God it wasn't. It assists the industry to invest in that infrastructure that, as I said, is quite out of date.

GLENCOE NURSERY

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:38): Can the minister provide to the house from what countries we import the logs that are affecting our timber industry here?

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) (14:38): What I indicated was that the cheap logs available on the international market are affecting our ability to compete nationally. That is the reality; that is the fact, and I will clarify that if the honourable member failed to understand—he fails to grasp these concepts. That is affecting our industry. I find it incredible that I have to come into this place and spell it out to the Leader of the Opposition and the Hon. Michelle Lensink, who fail to understand the basics of the industry.

The Hon. D.W. Ridgway: You couldn't even tell us what length the rotation was, and you still haven't answered it.

The Hon. G.E. Gago: I was right.

The Hon. D.W. Ridgway: You were not right; you were wrong.

The Hon. G.E. Gago: I was.

The PRESIDENT: Order!

LOCAL GOVERNMENT CONSULTATION

The Hon. S.G. WADE (14:39): I seek leave to make a brief explanation before asking the Minister for State/Local Government Relations a question relating to local government consultation. Leave granted.

The Hon. S.G. WADE: Since the Local Government Relations Agreement was signed in May 2012, two very significant bills impacting on local government have been tabled in the parliament: firstly, the Development (Private Certification) Amendment Bill 2012, and the second, the Independent Commissioner Against Corruption Bill 2012.

Both of these bills have a direct impact on local government and, under the legislative protocols attached to the State/Local Government Relations Agreement, an advanced consultation process would be required. Neither the Development (Private Certification) Amendment Bill nor the ICAC Bill followed the recommended consultation procedure in the agreement. No explanation or justification has been given for the departure from the agreed consultation procedure.

Further, the Minister for Planning in the other house has criticised the Local Government Association for not providing feedback in a timely manner. I would remind members that the Local Government Association has an obligation to consult with 68 councils in the state of South Australia and provide them with a reasonable opportunity to provide feedback on legislative proposals.

In the case of the private certification bill, for example, consultation was made extremely difficult because, I am advised, the Local Government Association was not provided with an advance copy of the bill or advised that it would be tabled in the House of Assembly on 18 October 2012; the Local Government Association had to source its own copy of the bill; during discussions and correspondence with the department, no commitment was given about whether or how particular concerns would be resolved; and the regulations that will provide the majority of the detail about how the private certification system will operate have not been released.

The Minister for Planning has also criticised the Local Government Association for consulting with the opposition, leading to the opposition questioning the government—shock, horror! The Local Government Association has raised all these issues with the minister; however, the minister has not provided a response. My questions to the Minister for State/Local Government Relations are:

1. What was so special about the two bills that the consultation procedure set out by the act could not be followed?
2. When prior consultation on a bill is not possible due to urgency or other reasons, is there a process for ensuring that consultation occurs during the parliamentary process?
3. When prior consultation has not occurred by the relevant minister or agency, what is the government's view on how the Local Government Association should represent its members and engage in the parliamentary process?
4. Which part of government is responsible for ensuring that, when a cabinet submission goes forward, consultation is completed in accordance with the State/Local Government Relations Agreement, and what involvement do you have in that process?

The Hon. R.P. WORTLEY (Minister for Industrial Relations, Minister for State/Local Government Relations) (14:42): I would like to thank the member for his questions. As the Minister for State/Local Government Relations, I do have a very good relationship with the LGA and most of the councils, or all of the councils I would think.

Members interjecting:

The Hon. R.P. WORTLEY: The vast majority of ministers have a very good line of consultation with the LGA. The particular portfolio that the Hon. Mr Wade is talking about is planning, so what I will do is take it on notice and refer it to the minister so he can have dialogue with the Minister for Planning.

LOCAL GOVERNMENT CONSULTATION

The Hon. S.G. WADE (14:43): A supplementary question: in terms of the minister's response already there referred to, does he feel he has any responsibility to monitor compliance with the agreement?

The Hon. R.P. WORTLEY (Minister for Industrial Relations, Minister for State/Local Government Relations) (14:43): I have quite a bit of consultation with the LGA and various ministers in regard to the memorandum of understanding and, as I have stated, with the vast majority of issues regarding bills there is very good consultation. There are times when that may not occur for one reason or another. Once again, I will take it on notice, refer it to the Minister for Planning and he can have the dialogue with the minister himself.

SOUTH AUSTRALIAN COMMUNITY EVENTS

The Hon. K.J. MAHER (14:44): I seek leave to make a brief explanation before I ask the Minister for Tourism a question about events occurring in South Australia.

Leave granted.

The Hon. K.J. MAHER: To date there has been a lot happening in November for locals and visitors alike—

Members interjecting:

The PRESIDENT: Just hang on a sec.

The Hon. K.J. MAHER: —events such as the Credit Union Christmas Pageant that is enjoyed by hundreds of thousands and Rescue 2012 which I will be attending at Christies Beach this weekend. Can the minister please tell the chamber about these two significant events?

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for Tourism, Minister for the Status of Women) (14:45): I thank the honourable member for his most important question and his ongoing interest in these important matters. This last weekend saw the 80th anniversary of the Christmas Pageant—80 years is unbelievable, isn't it?—in the city, where Father Christmas once again was the guest of honour. This year's Credit Union Christmas Pageant featured 63 floats including six new ones plus more than 250 clowns and 1,000 characters.

There is a huge amount of work that goes into the pageant, a huge amount of effort, and I would like to share just a few facts and figures with you. Over 120 talented artists applied makeup to more than 1,000 characters between 6am and 9am. Allianz Insurance provided over 1,800 breakfasts to pageant characters and volunteers on pageant day. It took 15 trucks to transport costumes, shapes, heads, bikes, props, etc. to Pulteney Grammar (the starting point) the day before the pageant. It takes 70 jars of makeup remover to remove the characters' makeup each year.

The new floats in this year's pageant included the circus float which involved the youth circus program, Cirkidz, which performed on the float as well as surrounding it. Live acts seen on pageant day included performers hanging from wires, jumping from pole to pole and weaving in and out, and it was truly an amazing event. The weather was absolutely perfect for this year's event. The floats were just magnificent. The pageant is just one of the events being supported by Events South Australia in November.

Another important event in November is Rescue 2012. Last Wednesday I was very pleased to open Rescue 2012, which is the Lifesaving World Championships. The opening was held at Glenelg and it was picture perfect, a glorious afternoon and evening, and the sea was as blue as

blue and the sand as white as white for this fabulous event at Glenelg. There were 4,000 competitors in this event from 40 different nations here in South Australia—absolutely astounding.

It was unfortunate that, at this amazing opening event at which there was one of the most beautiful welcomes to country that I have seen, I did not see one camera there, not one local media outlet. I did not see anyone from *The Advertiser* there; they may have been there in the background but I did not see any pictures in the paper the next day. That was incredibly disappointing as there were 40,000 competitors from 40 different nations.

The Hon. D.W. Ridgway: 40,000 competitors?

The Hon. G.E. GAGO: Four thousand competitors from 40 different nations. With all of these international guests here visiting and staying in Adelaide, and the events going over a week or so, we are talking about significant economic input. It is a wonderful event, real elite sportsmanship.

Members interjecting:

The Hon. G.E. GAGO: Elite.

An honourable member interjecting:

The Hon. G.E. GAGO: It is not—it is actually pronounced 'elite'. It is, correctly. They are big on pulling me up. My understanding is that the correct pronunciation is in fact 'elite'. I hope that all of our visitors will take the opportunity to get out and explore some of what we have to offer here in South Australia. As members would be aware, one of the benefits of our state is close proximity to regions like the Barossa and the Fleurieu, and here closer to town we have much to offer with our restaurants and our museums and Art Gallery, etc.

As members would know, South Australia has a strong international reputation for its events, which offer something for everyone. Sporting events are obviously always big crowd favourites, and I was very pleased to have an event of this international calibre in our capital city. I wished all the competitors the best of luck. Adelaide is an ideal venue for the Lifesaving World Championships with events being held across three different venues, including Glenelg, Christies Beach and the state-of-the-art South Australian State Aquatic and Leisure Centre.

I am advised that the championships are the largest international lifesaving sport competition in the world. Lifesavers provide an incredibly valuable service to our communities, and events like this championship allow these athletes to maintain and showcase their amazing skills.

I encourage members to get out there and enjoy and promote the event. It was great to see such a large turnout to the opening event; it was huge. I particularly enjoyed hearing the Australian Youth Choir. They were quite spectacular, a very talented group of young people. It was a very enjoyable performance. As I said, I particularly enjoyed the welcome to country as well. It was very special.

GLENCOE NURSERY

The Hon. R.L. BROKENSHIRE (14:50): I seek leave to make a brief explanation before asking the Minister for Forests a further question regarding the Glencoe nursery.

Leave granted.

The Hon. R.L. BROKENSHIRE: This week the minister tabled the ForestrySA annual report, which shows that in 2011-12 the Glencoe nursery produced over 5 million open-rooted seedlings, container seedlings and cuttings for ForestrySA use and external sales during the 2012 planting season. An additional investment in seed orchard capacity has helped to ensure that the best genetic material is available into the future. My questions to the minister are:

1. Given that nursery management is already under contract until only 2014—that is, that nursery management and staff, I understand, only have a contract until 2014—what assurances did the government obtain for the nursery management and staff prior to signing off on privatising the nursery?
2. How much was the Glencoe nursery making from seedlings sold to the private sector?

3. What assurances has the government received from the Campbell Group about prices from the nursery to its remaining ForestrySA operations and, in turn, on the prices that the nursery will charge for seedlings to the private foresters?

4. Was due diligence work done on whether it was in the interests of forestry and the government to keep the nursery?

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) (14:52): I thank the honourable member for his questions. Due diligence was done on all matters under the contract. That was done through Treasury, and a team of people were involved in that, so I can certainly assure the honourable member of that. In relation to the other detailed questions, I am happy to take those on notice and bring back a response.

GLENCOE NURSERY

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:52): Supplementary question: how many staff work at the Glencoe nursery?

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) (14:52): I am happy to take that on notice. These are operational matters, the number of staff operating at a particular part of a service. I am happy to take it on notice and bring back a response, but these are operational matters.

GLENCOE NURSERY

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:53): Supplementary question, Mr President.

The PRESIDENT: Don't ask when their birthdays are.

The Hon. T.J. Stephens: Interjections are out of order, Mr President

The PRESIDENT: Thank you, the Hon. Mr Stephens.

The Hon. D.W. RIDGWAY: Will ForestrySA continue to employ those staff for the full length of the three rotations?

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) (14:53): Again, that is an outrageous question. The honourable member knows that staffing numbers and arrangements shift and move all the time. This is a commercial enterprise. Organisations need to be able to adapt and adjust and move their staff around as service demands are placed on them. They are operational matters. A responsible organisation will shift and move and change staff, as I would expect ForestrySA to do in meeting its obligations under these lease arrangements.

ASBESTOS AWARENESS WEEK

The Hon. CARMEL ZOLLO (14:54): Can the Minister for Industrial Relations please advise the council about Asbestos Awareness Week 2012?

The Hon. R.P. WORTLEY (Minister for Industrial Relations, Minister for State/Local Government Relations) (14:55): I thank the honourable member, after that silly question, for such a sensible and caring question. Asbestos Awareness Week is fast approaching and provides a wonderful opportunity for all members to attend events and be involved in raising awareness about this critical issue. Around Australia a wide range of events and activities are being organised to highlight the ongoing dangers of asbestos, particularly to workers and home renovators. It is also a week dedicated to the families affected by asbestos-related diseases, and an opportunity to remember those who have died from asbestos-related diseases.

In South Australia Asbestos Awareness Week will run from 26 to 30 November 2012. The South Australian government, through SafeWork SA, has been working with the Asbestos Advisory Committee, the South Australian Asbestos Coalition, SA Unions, the Asbestos Victims Association and the Asbestos Diseases Society of South Australia to offer events and activities as part of this state's commemorations. These include a demonstration of safe asbestos removal methods and a special screening by SA Unions of an award-winning documentary made about the Eternit

asbestos court case in northern Italy in 2011. The case was significant as it was the first time company directors were given gaol sentences for knowingly exposing people to asbestos.

A free seminar for people who have been exposed to asbestos or who suffer from asbestos-related diseases will be held at the Asbestos Diseases Society of South Australia. The seminar features a variety of speakers, including health practitioners, asbestos legal practitioners, social workers and keynote speaker, Karen Banton. Mrs Banton will speak of her late husband, Bernie Banton, who died as a result of mesothelioma. Members may be aware that Bernie Banton was made a member of the Order of Australia in 2005, in recognition of his longstanding passionate advocacy for people affected by asbestos-related illnesses.

Asbestos Awareness Week ends on Friday 30 November 2012 on a sombre note, with the commemoration of Asbestos Victims Memorial Day. The Asbestos Diseases Society of South Australia is holding its annual memorial service and breakfast at Jack Watkins Memorial Park, followed by the Asbestos Victims Association holding its annual memorial service at Pitman Park. I encourage all members to attend and pay their respects to the South Australians who have died from diseases as a result of exposure to asbestos.

This government remains committed to building awareness in the workplace and in the community of the dangers associated with exposure to asbestos and the need for the safe identification, management and removal of asbestos. Our Asbestos Safety Action Plan, which commenced in 2008, is an initiative that aims to reduce illness and disease caused by exposure to asbestos by providing a comprehensive community-wide plan for the safe identification, management and removal of asbestos. It is important that we recognise initiatives such as Asbestos Awareness Week, and I thank everyone who has been involved in organising the various events and activities.

HOUSING SA

The Hon. K.L. VINCENT (14:58): I seek leave to make a brief explanation before asking the Minister for Social Housing questions regarding increases in community housing rent.

Leave granted.

The Hon. S.G. Wade interjecting:

The Hon. K.L. VINCENT: There's only one way to find out. As of last month Housing SA increased rentals for about 6,000 tenants in community housing across South Australia. I have been contacted by a number of constituents who are on fixed low incomes, including some with disabilities, about the financial stress that this is creating in their lives. Whilst I am aware that clients of community housing were informed of the changes some time ago, the impact on the lives of people on fixed incomes is no less now that the increased rental costs are being levied against these clients.

Whilst to those on politicians' wages \$10 a week may not be a large amount, to someone on a low income a rental increase of \$20 per fortnight every six months for two years could be a significant burden. Whilst I acknowledge that the regulatory framework surrounding community housing has changed with its move to Housing SA, there are still many clients and families of community housing that continue to do a large amount of administrative and maintenance work for free, for no charge, in this sector. This is in stark contrast to management and maintenance of public housing administered by Housing SA, where costs are borne by the department.

The state government dipping into commonwealth rent assistance allowances each fortnight is perhaps understandable, but allowing this to cause a substantial increase in rents for these clients is unfair. Rates of poverty and social disadvantage amongst community housing clients are already higher than the general population, so this policy change risks plunging some into financial crisis. My questions to the minister are:

1. Does the minister acknowledge the significant burden of administration and paperwork by community housing clients and their families to gain commonwealth rent assistance from Centrelink?
2. Does the minister accept that they are levying those least able to afford it with this increase?
3. Does the minister acknowledge that a significant amount of work is being done by clients and families of community housing that sets the sector apart from public housing that is also administered by Housing SA?

4. If community housing clients are in financial stress created by the increase in rental costs, is there a fund available to assist them?

5. Is the minister concerned that community housing tenants may find themselves unable to afford basic services such as telephone, communications or medical costs?

6. Given that many of the constituents who use community housing for accommodation are on limited and fixed incomes, how does the minister anticipate that they will be able to survive with the increased rental costs in addition to their daily living expenses such as food, essential services and medical costs?

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) (15:01): I thank the honourable member for her most important questions and will refer them to the Minister for Social Housing and bring back a response.

CHIEF EXECUTIVE CONTRACTS

The Hon. R.I. LUCAS (15:01): I seek leave to make a brief explanation prior to directing a question to the Leader of the Government on the subject of chief executive contracts.

Leave granted.

The Hon. R.I. LUCAS: In about October 2011, Mr Geoff Knight was transferred from his position as CEO of PIRSA to CEO of DMITRE. At that time, the former chief executive officer of DMITRE, Mr Lance Worrall (a former adviser to the former premier, Mr Rann, who was on a contract of over \$300,000) was demoted and became Deputy Chief Executive Officer of DMITRE. In February of this year, Mr Knight appeared before the Budget and Finance Committee and, when asked questions about his contract as CEO of DMITRE, he indicated that the contract (at that stage, in February) had not changed and there had been no change in salary or contractual arrangements.

Earlier this month, my office inspected the contract of Mr Knight as the CEO of DMITRE and that contract (which has been renegotiated and signed in October of this year) indicates that Mr Knight's contractual arrangements are for a total payment of \$374,000 a year compared to \$331,000 as the CEO of PIRSA, or a \$43,000 pay increase. Recital C of his contract says:

In accordance with clause 2 of the previous employment agreement and section 34 of the Public Sector Act 2009, the Premier has indicated his intention to reappoint the chief executive to the duties to the expiration of the initial term.

I note, and I have indicated this before, that cabinet in October 2004 adopted a policy that a chief executive who was reappointed after a five-year term could only be reappointed for a maximum of three years in that position. Finally, I am advised that the government is about to announce another pay increase to not only Mr Knight but all executives in the public sector, backdated to July of this year, and that for Mr Knight it would be worth approximately an extra \$10,000 a year on top of his \$374,000. My questions to the leader are:

1. Is it correct that the government has given a \$43,000 a year pay increase to Mr Knight? If so, on what grounds has that \$43,000 pay increase been given?

2. Given that Mr Worrall has been demoted from chief executive to deputy chief executive of DMITRE, has his contract now been renegotiated and reduced from the more than \$300,000 per year that he was being paid? If not, why not?

3. Is the government about to announce another general pay increase for all executives to be backdated to 1 July this year and, if so, how much and what is the extent of that particular increase?

4. Given that recital C of the contract, that I have already read into the *Hansard*, refers particularly to 'reappoint', can the Premier indicate if this is consistent with the cabinet policy agreed to in October 2004 about reappointments being only for a period of three years, when this particular reappointment was for a term of five years?

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) (15:05): I thank the honourable member for his questions and will refer them to the relevant ministers in another place and bring back a response. Of course, this is just so typical: we see this time and time again from the Hon. Rob Lucas who knows no level too low to stoop. He

regularly comes into this place naming senior public servants and the like with snide innuendo and snide inferences.

He well knows that these people are not able to come into this place and defend themselves; they are not able to do that. He knows how things work and he knows that they will not defend themselves. We see this behaviour all the time from the Hon. Rob Lucas, so we should not be disappointed and shocked at this sort of low-life behaviour. However, I have to say that I cannot get used to it and I think it is irresponsible behaviour.

FOOD AND WINE PROMOTION

The Hon. G.A. KANDELAARS (15:07): I seek leave to make a brief explanation before asking the Minister for Tourism a question about food and tourism.

Leave granted.

The Hon. G.A. KANDELAARS: The internet is the fastest growing form of communication in today's world with the likes of websites, blogs—

Members interjecting:

The PRESIDENT: Order!

The Hon. G.A. KANDELAARS: I can wait, Mr President.

The PRESIDENT: That's alright; there's 14 minutes' worth of this—13 minutes and 58 seconds.

Members interjecting:

The PRESIDENT: Finished?

The Hon. G.A. KANDELAARS: Shall I start again, Mr President?

The PRESIDENT: No, that is alright; it might set them off again.

The Hon. G.A. KANDELAARS: As I said, the internet is the fastest growing form of communication in today's world with the likes of websites, blogs, Facebook and Twitter. Can the minister tell the chamber what the government has done to recognise the advantages of promoting premium food and wine to consumers using this resource, in addition to more traditional forms?

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) (15:08): I thank the honourable member for his most important questions.

The PRESIDENT: It is good to see that everyone has learnt something today.

The Hon. G.E. GAGO: It is, Mr President. The opposition has clearly learnt something of great importance here this morning. There is much occurring in the food and wine area. I spoke in this place recently about the fantastic Eat Local initiative.

The PRESIDENT: Order! Minister, I am very interested in food and wine so I want to listen to this answer. It is good to see that the Hon. Mr Ridgway is also listening attentively.

The Hon. G.E. GAGO: Yes, and feeding his face at the same time. Thank you, Mr President.

Members interjecting:

The PRESIDENT: That's alright; you have 12 minutes.

The Hon. G.E. GAGO: I spoke in this place recently about the fantastic Eat Local initiative as being a real boon for industry and tourism. I have also spoken about the exciting developments with our Asian neighbours by the signing of a MOU between the South Australian and Fujian provincial governments. It is safe to say that South Australian food and wine have been on the lips of many people, if you can pardon the pun—even royalty, so I see.

However, there is a real online buzz around food and wine in the blogosphere as well. Last week, South Australia hosted a national food bloggers conference, Eat Drink Blog, for the very first time. I had the great pleasure of welcoming 80 influential online writers—

Members interjecting:

The Hon. G.E. GAGO: Eighty online writers—to Adelaide—

Members interjecting:

The Hon. G.E. GAGO: Honourable members have a lot of trouble hearing—where I took the opportunity to remind bloggers that here in South Australia we are very spoilt for choice when it comes to locally sourced fresh food. Delegates got to appreciate firsthand the creative flair of Dennis Leslie and his team at the Hilton. They experienced a very flavoursome feast of what South Australia has to offer in terms of fine food and quality wines from our surrounding regions.

The conference showcased the state's diverse food and wine scene, including restaurants, fresh produce and regional food offerings. The bloggers explored Adelaide's hub of fresh produce at the Adelaide Central Market, and they also visited the McLaren Vale and Barossa regions. The conference involved the local chef Simon Bryant, award-winning blog writers and photographers and internationally renowned food writing coach Dianne Jacob.

I understand that this year's event saw the largest number of delegates yet, and I am sure that this conference will grow from strength to strength. The conference comprehensively covered food writing, social media, career opportunities, restaurant reviewing, ethics, blog design, photography, photo editing, food styling and other related legal matters.

South Australia has indeed benefited from this focus, with the majority of attendees blogging around the world promoting the great atmosphere Adelaide and its surrounding regions have to offer in terms of a memorable food and wine tourism experience. Adelaide Central Market was a highlight. It was very much appreciated and admired by many—and I will quote from a couple of the bloggers. One said:

This great hub filled with hundreds of vendors collected under the same roof selling their specialty products at reasonable prices, creating a real community feel whilst supporting the farmers and growers. It is not hard to see why the market is the centre of Adelaide showcasing South Australian produce. Adelaideans are so lucky to be able to shop here!

Another quote:

I know we also have fresh food markets here in Sydney but they all lack the charm that Adelaide Central Market has.

Our regions have also been identified by bloggers as unique, with one blogger saying:

On our visits to McLaren Vale and Barossa, I was surprised how quickly the buzz of the city faded away and we were travelling through stunning greenery.

Another wrote:

A bus load of us were taken to D'Arenberg courtesy of South Australian Tourism Commission, whereby we learnt about wine tasting and blending, and got to blend our own signature wine. The wines were all tasted by Jack, the winemaker at D'arrys, and I felt so privileged to be in his presence.

I would also like to highlight the demonstrated commitment this government and our agencies have in setting a benchmark for other states to follow in food and wine tourism. One blogger posted the following:

I'm getting all starry eyed just reminiscing about it. A thousand thank you's to the organisers of Eat Drink Blog 2012 and the sponsors for showing us an amazing time for showcasing Adelaide in all its glory. I never expected to be so charmed by this city and I'm now keeping my eye out on all those pesky flight websites because once a flight sale to Adelaide hits, I'm gonna be all over it.

Finally, my thanks to all the sponsors who make the little love fest that is Eat Drink Blog happen, particularly South Australian Tourism. Our state's premium food and wine is being written about and photographed on blog sites. Various initiatives and programs such as Eat Local are reaching wider audiences, both domestically and internationally, while local food and wine tourism events are showing up on local media YouTube sites. This is a wonderful initiative to really get the message out to everyone about what we know to be true: South Australia really does have high quality food and wine to offer, along with unique tourism experiences.

FOOD AND WINE PROMOTION

The Hon. T.A. FRANKS (15:14): I have a supplementary question. So the online community can educate themselves further, as I am sure that they are listening intently online, could the minister please provide the hash tag for the conference?

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) (15:14): I can provide that information.

MARINE PARKS

The Hon. J.A. DARLEY (15:15): I seek leave to make a brief explanation before asking the Leader of the Government, representing the Minister for Sustainability, Environment and Conservation, questions regarding Marine Park 14.

Leave granted.

The Hon. J.A. DARLEY: I understand that recently on two occasions the minister met with representatives of the Marine Park 14 Action Group. The action group is concerned about the impact that the minister's proposed marine park sanctuary zone will have on the town of Port Wakefield, which is heavily reliant upon recreational fishers and the associated income that the town derives from having a reputation as a premier recreational fishing location.

The Marine Park 14 Action Group has put together a comprehensive submission in response to the sanctuary zone. Included in this submission is their own proposal about where they believe the sanctuary zones will be best placed to minimise adverse impacts on the town. I understand that the minister's proposed zones cover 23 per cent of the marine park whilst the action group's proposal covers 18 per cent. My questions to the minister are:

1. Has an economic and social impact assessment been conducted with regard to the effect that the proposed sanctuary zones will have on the community of Port Wakefield?
2. Has the minister read the Marine Park 14 Action Group's submission?
3. Is the minister aware of the alternative proposal for the sanctuary zone and, if so, can the minister advise whether serious consideration has been given to this alternative?
4. If consideration has been given to the alternative sanctuary zone, could the minister provide details of why the alternative was not acceptable?

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) (15:16): I thank the honourable member for his most important questions and I am happy to refer those to the Minister for Environment in another place and bring back a response. However, in relation to the issue of the marine parks' impact on fisheries, the government has been working very closely with fishing industry representatives over several years to help minimise the potential impact of marine parks on fishing activities. South Australia's fishing industry has acknowledged the efforts of PIRSA to assist in minimising that impact, particularly in relation to commercial and recreational fishers.

PIRSA has worked with the Department of Environment, Water and Natural Resources to pursue pragmatic zoning to minimise impacts on aquaculture, commercial and recreational fishing activities which are environmentally, socially and economically sustainable and which are important providers for jobs and economic returns in regional South Australia. PIRSA is an active participant in the whole of government Marine Parks Steering Committee established by DEWNR to facilitate cross-agency consultation and communication on the development of the marine park system.

The marine parks are not being developed to manage fisheries or aquaculture, which continue to be managed through the Fisheries Management Act and Aquaculture Act. Detailed draft marine management plans and impact statements are currently (as we know) out for public review, and the community and fishing industry have until a particular date to feed back their comments. This government does listen to that feedback, and we continue to do that. PIRSA has been working with SARDI and DEWNR to meet with all industry sectors that have made submissions, working on helping to assess the displaced catch costs or estimates value. Until the management plans are implemented, current activities within the marine park boundaries will continue.

MARINE PARKS

The Hon. J.M.A. LENSINK (15:20): I have a supplementary question. The minister may need to take this on notice but can she provide the chamber with information about what actions PIRSA has taken to correct misinformation about the sustainability of South Australia's fisheries?

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) (15:20): I challenge the assertion. What problems? I challenge the basis of her assertion.

The Hon. J.M.A. Lensink: Several consultation groups are saying that our fisheries aren't sustainable. Is it true?

MIGRANT WOMEN'S SUPPORT SERVICE

The Hon. J.S. LEE (15:20): I seek leave to make a brief explanation before asking the Minister for the Status of Women questions about Migrant Women's Support Service.

Leave granted.

The Hon. J.S. LEE: In the Migrant Women's Support Service Annual Report 2011-12, the chairperson highlighted that one of their most important issues has been that culturally and linguistically diverse (CALD) women escaping domestic violence no longer have the right to choose who assists them. The Migrant Women's Support Service has been operating for 27 years and from their research and experience they have found that CALD clients refuse referral to a mainstream domestic violence service under the new model implemented in December 2010.

The manager of the Migrant Women's Support Service raised in the annual report that the reformed system placed culturally and linguistically diverse clients in crises of domestic violence risk and, furthermore, in a very disadvantaged position due to the fact that mainstream domestic violence services are not always available due to being at full capacity and, secondly, because the Migrant Women's Support Service is not able to respond and provide their clients with suitable support due to inadequate funding. My questions to the minister are:

1. What consultations has the minister had with the Migrant Women's Support Service since the new modelling system was introduced? Is she aware of the serious implications migrant women clients are facing?

2. What actions will the minister take to ensure that the clients are not in crises of domestic violence?

3. How will the minister support the Migrant Women's Support Service to respond and provide migrant women clients with fair and equitable services?

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) (15:22): Yes, domestic violence is an issue for the whole of our community, men and women alike, and it has no boundaries. It cuts across all classes, all economic income layers and all ethnic groups as well. Unfortunately there are some groups that are at higher risk than others. We are well aware of these trends. Unfortunately there is a paucity of data because a lot of these women do not report assaults. Nevertheless we engage right across our CALD sector, working with women's groups in particular, identifying and understanding where particular risks lie. We are working with our service providers to provide as culturally sensitive services as we possibly can to meet their needs.

FIRST HOME OWNER GRANT (HOUSING GRANT REFORMS) AMENDMENT BILL

In committee.

Clause 1.

The Hon. G.E. GAGO: In the debate on this bill the Hon. Rob Lucas asked a number of questions, and I am able to provide the following responses. Clarity is sought on market value. Lutheran Community Housing suggested that it is critical that land value is taken out of the equation and that criteria is based on construction value. The same definitions of market value are being used in this bill that have been used in relation to the First Home Bonus Grant since June 2008 and in relation to the First Home Owner Grant Property Value Cap since September 2010.

Market value is a commonly used and accepted term and has not caused any issues with administration in the current First Home Owner Grant Act. Market value refers to the value of the home, including the land it is situated on, and the act sets out how these values are to be calculated. However, 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 land.

Utilising the commonly used and accepted term of 'market value' ensures consistency for purchasers of homes, including those who purchase a completed new home, a house and land package or an off-the-plan apartment. I was also asked: if multiple houses are built on one title, will the grant apply to each of the four houses?

We have a situation whereby land is held on one title and it is proposed to build four houses on that land for the purposes of affordable rental housing or a mini development under the Retirement Villages Act. I am advised that there is nothing in the legislation that prevents more than one home being built on one block of land. The purpose of the housing construction grant (HCG) is to stimulate the construction industry, therefore, if a person decides to build more than one eligible home on the same block, they will be entitled to more than one HCG.

The amendment act will require that each residence is suitable for occupation as a place of residence. Obviously practical issues are involved in this for the owner; however, if they want to sell one of their homes to a third party, a land subdivision would be required. Nevertheless, the HCG will potentially be available for each home built in this scenario.

It should be noted that retirement village residents will generally not be eligible for the HCG because, generally speaking, residents in retirement villages do not actually own the residence that they occupy when they move into a retirement village: they are essentially purchasing a right to occupy, rather than purchasing the home.

Lutheran Community Housing also suggests that it is critical that legislation covers various entities, including companies, trusts, associations, etc. The HCG is available to non-first home buyers and to natural persons, companies and trusts. There is no limit on the number of grants available, other than only one HCG being payable per property regardless of whether a person purchases or builds a new home alone or together with others.

The HCG is available to any purchaser of a newly constructed home. A person can buy multiple homes and receive the grant for each of those homes because this measure is about stimulating the housing construction market.

The Hon. D.G.E. HOOD: Just a question of the minister: is the \$400,000 cut-off amount house and land or just the value of the building?

The Hon. G.E. GAGO: I am advised house and land.

The Hon. D.G.E. HOOD: To be clear, if somebody was building a property in an inner-suburban area, for example, where the land would exceed that value, then they would not be eligible under this scheme?

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

Clause passed.

Clauses 2 to 15 passed.

Clause 16.

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

Page 7, line 32—Delete 'otherwise' and substitute 'other than'

Page 8, line 5—After 'remoter' insert 'lineal'

My first amendment relates to a small drafting error raised in the second reading debate by the member for Davenport. This amendment ensures that the definition of 'close associate' in proposed section 18BAB(6)(e) reads correctly to say 'other than as a shareholder in a body corporate'. The second amendment relates to another small drafting error that was raised also by the member for Davenport. This second amendment ensures that the definition of 'relative' in proposed section 18BAB(7)(c) applies to only lineal descendants, which will make the wording consistent with the definition in paragraph (b), which refers to lineal ancestors.

The Hon. R.I. LUCAS: Given, as the minister has acknowledged, that these issues were raised by the member for Davenport in another place, the Liberal Party supports the amendments.

Amendments carried; clause as amended passed.

Remaining clauses (17 to 20), schedule and title passed.

Bill reported with amendments.

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) (15:33): I move:

That this bill be now read a third time.

Bill read a third time and passed.

EVIDENCE (REPORTING ON SEXUAL OFFENCES) AMENDMENT BILL

In committee.

Clause 1.

The Hon. S.G. WADE: If I could quote my second reading contribution, this is Legislative Council *Hansard* 18 October 2012, when I said:

Consistent with the Labor government's lack of commitment to transparency and full debate, I understand the Martin Report has not been publicly released. I formally ask the government to table the report. I further ask the minister at the second reading summing stage, if the government will not table the report, whether there is any reason I should not table the copy I have. In considering the bill and my alternative amendments, I would want all members to have access to the report on which both their bill and my amendments are based.

I ask the minister at this stage: is there any reason why I should not table the report, considering that she failed to address that question at the second reading stage?

The Hon. G.E. GAGO: Would you please repeat that? Sorry.

The CHAIR: Referring back to your second reading speech?

The Hon. S.G. WADE: Yes. At the risk of repeating myself for the third time, on 18 October I said:

Consistent with the Labor government's lack of commitment to transparency and full debate, I understand the Martin Report has not been publicly released. I formally ask the government to table the report. I further ask the minister at the second reading summing stage, if the government will not table the report, whether there is any reason I should not table the copy I have. In considering the bill and my alternative amendments, I would want all members to have access to the report on which both their bill and my amendments are based.

The Hon. G.E. GAGO: I have been advised that it is the prerogative of the member to table it if he wants to.

The Hon. S.G. WADE: As the government has provided no reason for the report not to be tabled, and I can see no reason why it should be, I hereby table a copy of the Martin Report. I should stress that the copy that I was given lacked the attachments and so the copy I am tabling lacks the attachments. As I said, I am keen for the report to be tabled, considering the bill and my alternative amendments relate to it. I do find it disappointing that here we are at the committee stage and, having raised it at the second reading stage, the government did not take the encouragement to actually table, although I acknowledge the Hon. Mr Darley and the Hon. Ann Bressington have contributed to this debate, and they and other members would have had the benefit of not just my quotations from it, but the full report. I would encourage the government to do the council the courtesy of tabling the attachments so that members and the public could have the benefit of a complete report.

Since the attorney's office became aware that the opposition has a copy of the report, they enquired as to how we obtained it. Ironically, we got it from the Attorney-General's office. It is incredibly ironic that the government has been so concerned about a report being made public which extols the need for transparency and the reduction of suppressed information. A constant frustration suffered by the Opposition and other members of this council, is that the government insists on suppressing public documents. In this case, I understand the government would not want the report to be available because it highlights the flaws in their own argument on this bill.

The Martin Report came to the conclusion that sexual offences should be treated the same as other offences and that the public interest should come first. I acknowledge the contributions of the Hon. John Darley and the Hon. Ann Bressington in the second reading stage. While they have come to different conclusions from the Liberal opposition, I appreciate their concerns. In any case, the fundamental choice that faces us is between openness and confidence in the administration of law and the risk of reputational damage to individuals. The Liberal opposition has made its choice clear, and I look forward to speaking to our amendment at clause 4. In any case, the fundamental choice that faces us is between openness and confidence in the administration of law and the risk

of reputation or damage to individuals. The Liberal opposition has made its choice clear, and I look forward to speaking to our amendment at clause 4.

Clause passed.

Clauses 2 and 3 passed.

Clause 4.

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

Page 2, line 12 to page 3, line 32 [clause 4(1) to (5)]—Delete subclauses (1) to (5) (inclusive) and substitute:

Section 71A(1), (2) and (5)—delete subsections (1), (2) and (5)

The amendment deletes subclauses (1), (2) and (5). Section 71A(1) and (2) of the Evidence Act 1929 prohibit the publication of evidence given in proceedings against a person charged with a sexual offence and the identity of a person who is charged or is about to be charged with a sexual offence until the accused has been committed for trial or sentence or in matters determined summarily until a plea of guilty is entered or a finding of guilt is made following a trial.

These provisions put a presumption on secrecy rather than transparency and treat offences of a sexual nature in a manner different from other offences. As I have referred to previously, in September 2011, the Hon. Brian Martin OA QC, former chief justice of the Northern Territory, handed down his report as an independent review of these provisions. The primary recommendation of the Martin report was that section 71A(1) and (2) be repealed. To summarise Justice Martin I will quote from a couple of passages from his report as follows:

In my opinion the interests of the few who would be adversely affected by removing the automatic prohibition currently mandated by section 71A do not justify the constraint on the principle of open justice affected by section 71A. To the extent that a few are adversely affected by the publication of identity, their personal interests are outweighed by the 'greater public interest in adhering to an open system of justice.'

Later in his report he goes on to say:

Removal of the automatic prohibition on publication of identity in these cases will remove the source of rumour and innuendo which currently accompanies the charging of sexual offences in any cases which attract media interest. Publication of identity might also promote the possibility of witnesses coming forward.

The government has rejected the primary recommendations of the independent Martin review. My amendment seeks to implement it and to repeal section 71A(1) and (2). Courts will retain the ability to give appropriate directions in all the circumstances of a sexual offence charge to protect the presumption of innocence by prohibiting publication of evidence and identity if the prohibition is required in the interests of the administration of justice. I urge the council to support the opposition amendment to this bill.

The Hon. G.E. GAGO: The government opposes this amendment. The Hon. Stephen Wade seeks to amend the bill to reflect the private members' bill introduced by the honourable member on 13 June 2012. The opposition's approach to section 71A is to remove all restrictions on the reporting of the identity of the alleged offender or information about the offending.

The government's approach to this section was canvassed in detail by the Attorney-General in the other place. To summarise, the government's approach adopts one of the recommendations from the Hon. Brian Martin AO QC 2011 report into the operation of section 71A, so he has actually recommended this. There was also a recommendation that section 71A(1) and (2) be repealed but the Hon. Brian Martin AO QC noted that these recommendations represented his personal view and that there is no right answer and opinions can legitimately and reasonably vary.

The majority of the submissions made to the review supported the retention of section 71A(1) and (2) in at least some form. Some confidential submissions gave detailed accounts of the detrimental effect that a publication of allegations of sexual offending had had on the accused and his or her friends and family. These stories were not only from accused persons but from friends and family members who had experienced harassment, prejudice and threats, despite an eventual finding of not guilty or the dropping of the charge.

The provision of 71A ensures that publication of the name of an alleged offender or the details of an alleged offence must wait until beyond the very early stages of the investigation and charge. The bill allows publication to occur earlier if the court considers that such publication may assist in the investigation of an offence or is otherwise in the public interest.

The Hon. S.G. WADE: I would not want the chamber to be misled by the way that the minister expressed Justice Martin's recommendation. I presume that most members have not had the opportunity to read the report that I tabled a short while ago, so I will read out the recommendations of the Hon. Justice Martin. It is true that Justice Martin recommended what is in this bill, but it was the least preferred recommendation; it was a tiered recommendation. What is contained in my private member's bill in the first part of this year and in this amendment now is Martin recommendation 1. Let me read it out:

I recommend:

(1) section 71A(1) and (2) be repealed;

(2) if section 71A(1) and (2) are repealed, I do not recommend any other amendments;

(3) if recommendation 71A(2) is retained in its current form, section 71A(1) be repealed;

(4) if either subsections (1) or (2) of section 71A is retained in its current terms, a court be given the power to permit publication—

etc., much as in the terms of this bill. For this government to suggest that this course of action is recommended by Justice Martin would be a misrepresentation of his report. I should not say 'recommended by Justice Martin' but I should say 'preferred by Justice Martin'.

The Hon. M. PARNELL: I accept what the Hon. Stephen Wade says in relation to Justice Brian Martin's report. However, our view was that His Honour did go too far in seeking the removal of these sections from the statute, so the Greens will not be supporting the Liberal amendment.

The Hon. D.G.E. HOOD: I must say, my colleague the Hon. Rob Brokenshire and I normally find it easy to agree on amendments. I think in 90 per cent of the amendments that we deal with in this place our discussions are fairly brief because we are in natural agreement on most things. This one has been more difficult for us. I think there are genuinely good arguments on both sides.

None of us would want, in any way, for a sexual offender to be protected unnecessarily and, equally, none of us in this place would want somebody to be exposed as an alleged sexual offender if that were not the case. We have had several discussions but, on balance, we have decided to not support the amendment. However, I must say it is one of those where, as I say, there are good arguments on both sides.

Amendment negatived; clause passed.

Title passed.

Bill reported 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) (15:49): I move:

That this bill be now read a third time.

Bill read a third time and passed.

WILLS (INTERNATIONAL WILLS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 14 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) (15:53): There being no other contributions to the second reading stage of this bill, I thank honourable members for their support, and I look forward to dealing with this bill expeditiously during the committee stage.

Bill read a second time.

In committee.

Clause 1.

The Hon. D.G.E. HOOD: I have one question. Minister, I have not received any, but I was wondering if there was any communication from the legal sector, the Law Society or others on this issue, given that I would imagine it will be a significant change for a number of, particularly, private practice lawyers.

The Hon. G.E. GAGO: I thank the member for his question. I am advised that the Law Society was consulted and, although their view was that there is no need for this, they are not opposed to it. It will not change current practice. It is not going to replace wills: it will be an additional will.

Clause passed.

Remaining clauses (2 to 6) and title passed.

Bill reported 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) (15:56): I move:

That this bill be now read a third time.

Bill read a third time and passed.

CRIMINAL LAW (SENTENCING) (GUILTY PLEAS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 13 November 2012.)

The Hon. D.G.E. HOOD (15:58): On 15 March 2012 I spoke on the package of bills introduced by the government concerning serious crime, including the Criminal Law (Sentencing) (Sentencing Considerations) Amendment Bill on which the bill that we are presently debating is based. A short summary of the points that I then made are, firstly, that sentencing is obviously a complex process, and a requirement for a court to specify the amount of a percentage discount of a sentence because of a guilty plea makes the process more complex.

Sentencing is not a simple, mathematical calculation, obviously. Initially there was some judicial resistance to stating a percentage discount for a guilty plea, as I understand it, but the tide has turned over time and it became accepted that the advantages of specifying the percentage discount was such that it should be done.

Secondly, the common law already has a scheme in place for a court to state percentage discounts using judicial discretion. The reason for legislation to cover the same issue is so that defence lawyers, as I understand it, can show their clients what the legislation actually says and the defendant can see in black and white that an early guilty plea can gain a significant reduction in sentence. A defendant will see this as a greater encouragement for an early plea than reliance on the general discretion of the courts based on common law. That makes sense to me.

These points apply equally to the present bill which is quite similar to the previous bill in its terms and purpose, as we know. In the context of the present bill, I have had cause to review in some detail the numerical percentage discounts for guilty pleas set out in the bill. I note that there are amendments to this bill proposed by the Hon. Stephen Wade which I am favourable to. My own consideration of this issue led me to the conclusion that what is needed is a significant discount so that there is very real incentive for a person charged to plead guilty where appropriate—that is, assuming that they are guilty—yet a maximum discount that is not so high so as to indicate to a court that the percentage discount presently given should be increased in the future.

It seems to me that if a person pleads guilty at a very early stage and thereby avoids the need to arrange witnesses and prepare a trial, a fair maximum discount would be a third (or 33⅓ per cent). That is still a substantial discount, I think anyone would agree with that. Consider, for example, a six-year prison sentence discounted to four years—a very attractive proposition, I would imagine, to the accused or the perpetrator. It is for that reason that I will propose an amendment—indeed, I have filed an amendment that members would have to that effect—with other percentage discounts being adjusted in a corresponding way.

Let me emphasise that I strongly support the concept of the bill, that is, that an incentive should be given for pleading guilty early where someone is genuinely guilty, and I think it is fair to say that both the government and the opposition have taken that view. I think the stand against

serious crime, and even less serious crime, to make it more expedient for the courts is one that should be encouraged where appropriate. The number of cases going through the courts system is such that it places a strain on the administration of the justice system—something we are all aware of.

That is one reason to encourage early guilty pleas by defendants but perhaps the major reason to encourage early guilty pleas is that, upon entry of a plea, witnesses no longer have to face the prospect of giving evidence and being cross-examined which can be very daunting and, in the cases of serious and violent crimes, a very unpleasant task for witnesses in particular if they are related or somehow attached to the victim.

The earlier this position is reached—that is, that a plea is entered and a discount agreed upon—the less traumatic it is for potential witnesses and the less time and cost is wasted in preparation for a trial which is something everyone benefits from. My view, therefore, is that any system to encourage guilty pleas—and I stress where the person is actually guilty, of course—is a positive move and something that we would support. Family First certainly supports this bill. As I said, there are amendments in the name of the Hon. Stephen Wade and myself. I think we are yet to see how they fall.

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for Tourism, Minister for the Status of Women) (16:03): I thank honourable members for their valuable contributions to this through the second reading stage of this bill and I thank members who indicated support for this important legislation. This bill is an important measure to encourage early pleas of guilty. It is intended to help address delays in the criminal courts and to reduce the stress on victims and witnesses. For years courts have taken into consideration the timing of a plea when determining whether a discount to the sentence ought to be granted to that plea. This bill does no more than place a ceiling on the available discount, depending on the time and circumstances in which the plea was made. The bill does not in any way encourage the application of a higher discount than that which is already available under common law.

The bill also recognises that a delay in pleading guilty may not necessarily be the fault of the defendant. The bill includes a discretion for the court to still provide discounts for a late plea. It is important at the outset to correct the Hon. Mr Wade's claim that the common law does not currently allow for a discount beyond 33 per cent. I am advised that this statement is incorrect and I invite the Hon. Mr Wade to consider the *Queen v Ellis* (1986) 6 NSWLR 603 and *Ryan v the Queen* (2001) 206 CLR 267.

The bill incorporates the guilty plea aspect and the incidental sentencing changes from the Criminal Law (Sentencing) (Sentencing Considerations) Amendment Bill. That bill was unfortunately defeated earlier this year. This bill and its earlier iteration was the result of an extensive consultation process with expert parties, including members of the judiciary and the Joint Courts Criminal Legislation Committee.

The opposition's approach to this bill has been inconsistent and unhelpful. The opposition stated that the earlier iteration of this bill was too harsh in its application to defendants, both in terms of the amounts of the discounts and the scope for granting them. Amendments were filed by the opposition that would have increased both the maximum amount for discounts and the discretion to grant discounts.

I pause here to note that the Hon. Mr Wade, in his second reading contribution, strongly condemned a United Kingdom proposal to allow sentencing discounts of up to 50 per cent, the exact percentage preferred by the Hon. Mr Wade himself in his original amendments to this bill. I draw that inconsistency to the attention of the chamber. I digress: ultimately, the Hon. Mr Wade's amendments were not moved. It appears that in the intervening period before the current bill was introduced, the opposition has performed a fabulously executed backflip and now wants a much lower discount for early pleas of guilty. The government commends the Hon. Stephen Wade for recognising the error of his earlier approach but is disappointed that his second approach is as misconceived as his first. The government will put forward its position on these amendments during the committee stage.

In his second reading contribution, the Hon. Mr Parnell asked whether a judge may fix a head sentence in light of the available discount rather than fix a head sentence that is appropriate in all of the circumstances of the offence, and then later apply the appropriate discount to that head sentence. I have been advised that the answer to this query is that there is no way for the

parliament to prevent this method of circumventing the legislation. Parliament must trust the courts to apply the law as laid down in parliament and in the common law and not to apply tricky arithmetic, if you like, to achieve a desired result. Again, I thank honourable members for their contribution and their support and look forward to dealing with this expeditiously through the committee stage.

Bill read a second time.

In committee.

Clauses 1 to 3 passed.

Clause 4.

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

Page 3, line 7 [clause 4, inserted subsection (1)]—After 'offences,' insert 'in simple language,'

Clause 4 of the bill removes the current obligation on the court to explain a sentence to a defendant in simple language. The specific provision in the act is as follows:

9(1)(b) cause an explanation of the legal effect and obligations of the sentence and, where appropriate, of the consequences of non-compliance with it, to be given in simple language to the defendant.

This requirement gives the person being sentenced the best opportunity to understand the implications of their sentence. The government wants to remove it by this bill. There is a chronic problem with sentenced prisoners, parolees and those on bail offending and reoffending. They are at greater risk of offending and reoffending when they have not clearly understood their sentence. Ironically the provision before us may actually contribute to further court backlogs for breaches committed out of ignorance rather than malice. I previously filed amendments to address this concern, but apparently the government did not consider them worthy to be included in the tabled bill.

Again, the government bill raises access to justice issues. Those who are guilty of crimes are entitled to understand the consequences of their actions and their punishment. This understanding is fundamental to their appreciation that justice has been done. It is fundamental to effective deterrence. It may also facilitate rehabilitation. A sentence will hardly hit home to the offender if they cannot actually appreciate what it means for them. I commend the amendment to the council.

The Hon. G.E. GAGO: The government opposes this amendment. It is the government's position that South Australian magistrates, judges and justices do not need to be told to speak in simple language. The judicial officers of this state are well aware of their obligation to ensure that those who are sentenced understand the sentence and the reason for that sentence.

The Hon. D.G.E. HOOD: Family First supports the amendment.

The Hon. J.A. DARLEY: I will not support the amendment.

The committee divided on the amendment:

AYES (9)

Bressington, A.
Hood, D.G.E.
Ridgway, D.W.

Brokenshire, R.L.
Lee, J.S.
Stephens, T.J.

Dawkins, J.S.L.
Lensink, J.M.A.
Wade, S.G. (teller)

NOES (10)

Darley, J.A.
Gago, G.E. (teller)
Parnell, M.
Zollo, C.

Finnigan, B.V.
Kandelaars, G.A.
Vincent, K.L.

Franks, T.A.
Maher, K.J.
Wortley, R.P.

PAIRS (2)

Lucas, R.I.

Hunter, I.K.

Majority of 1 for the noes.

Amendment thus negatived; clause passed.

Clauses 5 and 6 passed.

Clause 7.

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

Page 5, line 28 [clause 7, inserted section 10B(2)(a)]—Delete '40%' and substitute '25%'

I indicate that the opposition proposes that this should be treated as a test amendment for amendments Nos 3 and 4 and 6 to 10 standing in my name. As I indicated in my second reading speech, the Liberal opposition is moving to decrease the maximum sentence discount proposed in the bill from 40 per cent to 25 per cent. Under the common law, discounts on sentences between 25 per cent and 33 per cent are available if criminals plead guilty early. The bill proposes increasing the basic discount by at least one fifth.

As I also noted during my speech, the government of Western Australia has tabled the Sentencing Amendment Bill 2012 setting out 'a maximum discount of 25 per cent for a plea of guilty and requiring courts to openly state the percentage discount they grant in recognition of a plea of guilty'. I note that other states have not codified this area. We share the same common law as other states and, in particular, Western Australia. It would be strange if our codification of the discount was going to be 15 percentage points higher than theirs.

Further, I am uncomfortable with such a large discrepancy with a sister jurisdiction on a general discount. Surely, penalties will vary between jurisdictions, but for general sentence discounts to vary so significantly acts as a perverse incentive to crime in South Australia. This is Labor's message to criminals: come to South Australia; if we get a conviction against you we will give you a discount more than 50 per cent higher than Western Australia.

The opposition amendments propose the upper limit of the discount be reduced to 25 per cent in line with recent Western Australian developments and that other discounts be reduced to generally maintain the proportions of the government's codification. As I said, the opposition amendments propose the upper limits be reduced to 25 per cent. Accordingly, where a discount of 40 per cent is proposed by the government, our amendments reduce it to 25 per cent; a discount of 30 per cent would be reduced to 15 per cent; and, finally, that where a discount of 15 per cent or 20 per cent is proffered by the bill, that this be reduced to 10 per cent.

We support the retention of a discount of 10 per cent at the doors of the courts to ensure that there is always at least some incentive for people to plead guilty even up until the last minute. This guilty plea, while it may have consumed significant public resources will, nonetheless, save victims and witnesses from reliving their experiences in court.

I have spoken at length for the need to reform the government's proposal to put the emphasis on justice rather than administration. The opposition amendments are a step towards this. It is hypocritical for the government to ramp up penalties while increasing the discount. They are driving with one foot on the accelerator and one on the brake. It is completely disingenuous and shows how directionless the government has become on justice policy. In contrast, the opposition amendment provides a clear alternative that shows a commitment to transparency in the justice system and a focus for justice for victims. I commend the amendment to the council.

The CHAIR: Mr Wade, you have mentioned that this was a test for which amendments—just to assist me and the committee?

The Hon. S.G. WADE: Certainly. I submit to the chamber that they are amendments Nos 3 and 4 and 6 to 10.

The CHAIR: Thank you very much.

The Hon. G.E. GAGO: The government rises to oppose this amendment. The effect of this amendment would be to cap the maximum discount for a plea of guilty entered within four weeks of the defendant's first appearance in court at 25 per cent rather than the 40 per cent contained in the bill. This amendment wholly undermines the intention and operation of the bill. The reduction of the maximum discount available to an amount less than that provided currently by the common law is misconceived.

The Hon. D.G.E. HOOD: I move:

Page 5, line 28 [clause 7, inserted section 10B(2)(a)]—Delete '40%' and substitute '33⅓%'

Like the Hon. Mr Wade I see this as a test for the rest of my amendments. I think, to some extent, this debate is academic because the truth is that if judges wants to find a way to provide a discount they will find a way. That is, by giving a lesser head sentence in the first place regardless of which one of these amendments gets through. I think it is somewhat academic in a sense.

As I said during my second reading contribution, Family First is a very strong supporter of this bill. We think the initiative is the right one but 40 per cent is a very substantial discount. Because of that, I have moved an amendment which essentially changes the maximum reduction to 33⅓ or one-third of the possible maximum discount.

The reason I came up with that figure is not just because it is between the Liberal opposition amendments and the government's stated 40 per cent figure but, in fact, there is good reasoning to base that on. I have just pulled up one of a number of examples here which I could have used, but this is a judgement of the Court of Criminal Appeal in 2008 in R v Randall Smith case. It is a long quote that was given, of course, as you would expect, at the end of a Court of Criminal Appeal judgement. The relevant part for this particular moment is as follows:

The Director [meaning the Director of Public Prosecutions] did not suggest that the reduction of one-third on account of the early pleas, contrition, remorse and co-operation was inappropriate. However, the Director contended that this was at the upper end of the permissible range and that a further reduction on account of co-operation was inappropriate.

They then say, 'We agree.' The Court of Criminal Appeal agrees that 33⅓ is about the right amount—so hence the amendment. How this plays out is a matter for you obviously, Mr Chairman; whether the Hon. Mr Wade's is voted on first or whether ours is voted on first is obviously a matter for you. I think I have explained my amendment and I look forward to the vote.

The Hon. G.E. GAGO: The government opposes the Hon. Dennis Hood's amendment. For reasons I have already explained, this amendment will diminish the rationale for the operation of this bill. However, our view is that the negative effect of this amendment is far less than that caused by the amendment moved by the Hon. Stephen Wade. The amendments moved by the Hon. Dennis Hood, in contrast to those of the opposition, show a much greater understanding and appreciation of the purpose of the operation of the bill, and we are, indeed, grateful for that. At the end of the day, reasonable minds will differ on the precise amount of the maximum discounts under the bill. Obviously, the government has its position; we would certainly prefer the Hon. Dennis Hood's position ahead of that of the Hon. Stephen Wade.

The Hon. J.A. DARLEY: I will be opposing both amendments.

The committee divided on the Hon. Mr Wade's amendment:

AYES (8)

Brokenshire, R.L.
Lee, J.S.
Stephens, T.J.

Dawkins, J.S.L.
Lensink, J.M.A.
Wade, S.G. (teller)

Hood, D.G.E.
Ridgway, D.W.

NOES (10)

Bressington, A.
Franks, T.A.
Maher, K.J.
Zollo, C.

Darley, J.A.
Gago, G.E. (teller)
Parnell, M.

Finnigan, B.V.
Kandelaars, G.A.
Wortley, R.P.

PAIRS (2)

Lucas, R.I.

Hunter, I.K.

Majority of 2 for the noes.

Amendment thus negated.

The Hon. S.G. WADE: I do not intend to move [Wade-1] 3 and [Wade-1] 4.

The Hon. A. Bressington: What about the Hood amendment?

The Hon. S.G. WADE: The Hood amendment is a consequential too, I understand. I propose to move [Wade-1] 5. I would stress to members that, even though they might be happy with the government's bill, they might still consider this issue. This issue relates to the role of regulation in the legislative regime rather than the policy of the bill itself. I move:

Page 7, lines 11 to 13 (inclusive) [clause 7, inserted section 10B(6)]—Delete subsection (6)

I indicate that I am of the view that this should be treated as a test clause for [Wade-1] 11 because I regard that as consequential.

The bill proposes that the timing of the stages for pleading guilty will be variable by regulation so the discount periods can fluctuate in accordance with the working and listening practices and pressures in the higher courts. The opposition's view is that it is wholly inappropriate for the regulations to vary the time frames on which the whole regime sits. These matters should be the subject of parliamentary consideration.

Given the parliament has spent so much time debating what discounts should be appropriate at certain periods, I am incredulous the government wants to change those periods at whim. Further regulations take effect immediately and may, in effect, be operational for months before parliament has the opportunity to review them and consider disallowing them. Such a change would produce wholesale uncertainty and disruption to court practices and allow the discount periods to be amended virtually overnight. Likewise, they could be revoked at any time.

This government has had a consistent agenda of inserting more and more power into regulations and taking it away from this place and this parliament. We believe there is a place for regulation in our legislative structures, but this government does not maintain an appropriate balanced approach to the relative responsibilities of parliament and the executive. I commend the amendment to the council.

The Hon. G.E. GAGO: The government supports this amendment. Although it is preferable to have the flexibility to change the stages of this bill by regulation without it coming back to parliament, this amendment does not undermine the intention or the operation of the bill.

The Hon. D.G.E. HOOD: Just briefly, Family First supports it as well.

Amendment carried.

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

Page 9, lines 21 to 23 (inclusive) [clause 7, inserted section 10C(6)]—Delete subsection (6)

I have suggested that this amendment is consequential on the amendment that we have just dealt with.

Amendment carried; clause as amended passed.

Remaining clauses (8 to 9), schedule and title passed.

Bill reported with amendments.

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for Tourism, Minister for the Status of Women) (16:36): I move:

That this bill be now read a third time.

The council divided on the third reading:

AYES (13)

Bressington, A.
Finnigan, B.V.
Hood, D.G.E.
Parnell, M.
Zollo, C.

Brokenshire, R.L.
Franks, T.A.
Kandelaars, G.A.
Vincent, K.L.

Darley, J.A.
Gago, G.E. (teller)
Maher, K.J.
Wortley, R.P.

NOES (6)

Dawkins, J.S.L.
Ridgway, D.W.

Lee, J.S.
Stephens, T.J.

Lensink, J.M.A.
Wade, S.G. (teller)

PAIRS (2)

Hunter, I.K.

Lucas, R.I.

Majority of 7 for the ayes.

Third reading thus carried.

DEVELOPMENT (PRIVATE CERTIFICATION) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 13 November 2012.)

The Hon. D.G.E. HOOD (16:42): I would like to make a brief contribution to this bill. My colleagues will be pleased to know that it will be brief. The Development (Private Certification) Amendment Bill is a significant change to the existing procedures for housing approvals in South Australia. It enables private certifiers to provide both a building approval and a development approval in certain circumstances. The residential code has been amended to allow a simplified approach to approvals for new attached and semi-detached dwellings and also for residential additions and sheds. It will form a basis for private certification of standard housing applications, and the emphasis is on the word 'standard'.

There are serious pressures facing the housing industry in South Australia at the present time. The Australian Bureau of Statistics figures released in October this year show that the trend estimate for the number of dwelling units approved in South Australia to the end of August 2012 has fallen for the last 16 months. In September 2012, the ABS reported that for the 12 months to March 2012, apart from Tasmania, South Australia had the lowest population growth in the nation of 0.9 per cent. Adelaide has severe restrictions on land availability for future development, and all of these factors add to the difficulties faced by the housing industry at the moment.

This bill is a positive development. At present, private certifiers can certify the compliance of building plans with the building code but cannot certify compliance under the development plan. It is therefore necessary either for both approvals to be done by a local council or, alternatively, the two certifications or approvals to be performed by different people, which means that the time line is governed by the slower of the two, which is not a desirable situation.

Currently, a very low proportion of building applications are being lodged within the parameters of the residential code, with the percentage being somewhere between 5 and 9 per cent, depending on who you ask. There is no reason why it should not be towards 100 per cent. Hopefully this bill will increase the use of this simplified procedure. Once this bill becomes law, private certification for both building and development approval for the typical house and land package is expected to be much quicker than it currently is.

At present councils do not have the ability to refer applications for approval onto others when they do not have the available manpower (personpower) to consider such applications promptly. If approvals are quicker through private certifiers, costs inherent in the delay of approvals will be avoided—something we strongly support. This is a good initiative. Family First strongly supports this initiative. I thank the government for involving me in the roundtable meeting at which this issue was discussed and I look forward to the bill passing this place.

The Hon. D.W. RIDGWAY (Leader of the Opposition) (16:45): I wish to ask one question and then I will seek leave to conclude my remarks so that I can speak on this bill when we next sit. In the other place, the member for Goyder (Mr Steven Griffiths) asked a question that the minister did not answer and that was: currently when local government are given development approvals, they are required to do an onsite physical inspection of 20 per cent of those approvals. The member for Goyder asked the minister under the private certification regime: what percentage will be required to be inspected onsite? Will it be the same as the council and will that be required by auditors? Exactly how will we be keeping a check on the private certification

regime? If the minister could ask her colleague the Minister for Planning to look at that before we next speak, I think we are all very keen to see this bill passed in the next week of sitting and it would make it a little easier if we were able to get some clarification. I seek leave to conclude my remarks.

Leave granted; debate adjourned.

CLASSIFICATION (PUBLICATIONS, FILMS AND COMPUTER GAMES) (R18+ COMPUTER GAMES) AMENDMENT BILL

The House of Assembly agreed to the bill without any amendment.

At 16:48 the council adjourned until Tuesday 27 November 2012 at 14:15.