LEGISLATIVE COUNCIL

Wednesday 28 November 2012

The PRESIDENT (Hon. J.M. Gazzola) took the chair at 11:31 and read prayers.

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) (11:32): 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) (11:33): I move:

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

Motion carried.

SITTINGS AND BUSINESS

The Hon. 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) (11:33): I move:

That standing orders be so far suspended as to enable petitions, the tabling of papers, question time, statements on matters of interest, notices of motion and orders of the day, private business, to be taken into consideration at 2.15pm.

Motion carried.

INDEPENDENT COMMISSIONER AGAINST CORRUPTION BILL

Consideration in committee of the House of Assembly's message.

(Continued from 27 November 2012.)

Amendment No. 6:

The CHAIR: Last night, on this matter we were almost there, and all four amendments have been moved.

The Hon. S.G. WADE: Mr Chair, I was wondering if you could just remind us which amendments have been moved.

The CHAIR: The Hon. Mr Brokenshire's, the Hon. Ms Vincent's, the Hon. Mr Parnell's and the minister's.

The Hon. S.G. WADE: I wonder if it might facilitate matters if the opposition gave an update on the discussions that have ensued since the committee last met.

The CHAIR: The Hon. Mr Wade, you have the call.

The Hon. S.G. WADE: Thank you. The opposition has had discussions with a number of MLCs and representatives of the government, and we are now of the view that the best way forward is to not insist on the Bressington amendment. We welcome the backdown by the government to allow the parliamentary confirmation of the appointment of the independent commissioner and the other amendments. We particularly welcomed the second set of amendments yesterday that responded to our concerns to entrench that independence so that we do not need just to rely on the commitments of the current government.

I will just briefly sketch why we have come to this position. In terms of the process of establishing the ICAC in South Australia, this council has played an integral part. It was in this council 24 years ago that the first ICAC bill was moved. Five years ago, the Liberal Party endorsed an independent ICAC for South Australia, and the government committed to it a year ago.

We do not like the model. We think that it is ICAC-lite: we think that it is too narrowly focused in terms of the criminal threshold, we think that it is too secretive and that it has a blanket ban on public hearings, and we think that it is under-resourced considering the government itself said an ICAC would need $30 million and it now has six.

The key issue that particularly possessed the council was the issue of independence. Obviously, independence matters for an ICAC: it is the first word in its name. The government proposed a cabinet-only appointment process which would not protect independence. The Hon. Ann Bressington captured the mood of the Liberal Party in terms of its desire to protect independence when she moved an amendment which sought to protect independence. Her model was for a parliamentary resolution of both houses, and we supported that, particularly in the context of the higher level of Independents who are now in the parliament.

The Hon. John Darley first suggested the involvement of a parliamentary committee rather than the chamber as a whole, and that was later echoed by Family First amendments. The opposition was not confident that that would provide a sufficient guarantee of independence, so we particularly welcomed the amendment of the Hon. Kelly Vincent because it was the first time that a committee process would also be not government controlled.

We welcomed the informal negotiations the Hon. Kelly Vincent convened last week, and I must put on record that I think that one of the principles Kelly Vincent espoused was a very important one. The Hon. Kelly Vincent took the view that it was important for both alternative governments to be comfortable with the final model because both major parties need to have confidence in the ICAC going forward.

To the credit of Kelly Vincent and all stakeholders, including the government, we are in a situation today where the ICAC going forward should have the confidence of both alternative governments, so we as a Liberal Party are happy to submit to the oversight of the ICAC and, clearly, the government is too. In particular, I would like to acknowledge the commitment of the Hon. Kelly Vincent, the Hon. Ann Bressington, the Greens and my fellow Liberal colleagues, who have made sure that this Legislative Council has yet again stood up for South Australians to make sure that they get what they want, which is an independent commission against corruption.

I also welcome the government's acceptance of the other amendments that this council was insisting on, such as the independence of the parliamentary committee of oversight, the victimisation provision, and the provision in relation to parliamentary privilege.

The Hon. M. PARNELL: The Greens will be supporting the Independent Commissioner Against Corruption Bill; however, we do believe that the Legislative Council should insist on the amendment we passed last time, which was for the whole of the parliament, all 69 members, to have the ability to scrutinise the final appointment. I appreciate that the government has given some ground, that the opposition has given some ground, and that the Greens as well, through the amendment I have tabled, have given some ground, but at the end of the day, if we want this person to have the confidence of the community, there is no better test than them having the confidence of the parliament.

I can see where the numbers lie in relation to this amendment, and certainly having a group of six parliamentarians scrutinising the final appointment is better than simply the executive deciding who should fill this most important role, but I want to put on the record that the Greens will be insisting on the original amendment put forward by the Hon. Ann Bressington. I think she captured the mood of the council back then and, as far as the Greens are concerned, captures it still. The 'I' in ICAC stands for independent; the parliament should have the final say.

We know from experience that it is not a job interview. It has not been a witch hunt. The appointment of similar officers, such as the Ombudsman and the Electoral Commissioner, have gone through smoothly and without objection. We believe that the commissioner should go through that process as well.

The Hon. R.L. BROKENSHIRE: Mr Chairman, I seek your guidance: I believe I still need to move my amendment now.

The CHAIR: No, you moved it last night.

The Hon. R.L. BROKENSHIRE: I will be very brief. Clearly this has been a very robust debate, and so it should have been, because this is an incredibly important bill for the state's future. It illustrates the importance of the Legislative Council because, as has been said by other colleagues, this bill has come a long way and it is in a lot better shape than it was originally. Politics

is about the art of what you can achieve, the possible, and compromise. That is what democracy is about in this state, and I believe that all members have contributed strongly to this. From what I am hearing in the chamber, I think this is a fair, reasonable and good result for South Australians. I look forward to a very independent and proactive ICAC.

The Hon. A. BRESSINGTON: I would like to make a couple of comments. As I said last night, I was under no illusion that my amendment would go through as it was, that there was an opportunity for everyone to participate in the negotiation of that for the best outcome and the true welfare of the people of this state, I remind members in here. I do not believe that we have moved too far forward on the resolution that the Liberal Party has landed on.

I would like to go back to the very first amendment moved after mine, which was that of the Hon. John Darley, to include the Statutory Officers Committee. The reason we were opposed to that was that it was believed that that was a government-dominated committee.

I have gone back over the *Hansard* of the lower house contributions to the ICAC Bill. I believe this is the most important bill that we will pass in this place for a very long time, and I was curious to note that two of the Independents in the lower house made no contribution on this bill at all. I know that is people's prerogative, whether or not they have input into legislation by making speeches in the house, but I would have thought that on such an important bill they would want at least something on the record. They could have advised whether they had concerns or whether they fully supported the model, but there was nothing from two of them. The other Independent in the lower house who may be considered for this committee has made his case very clear, and that was that he believed that the government should be the one to appoint the commissioner.

I still have concerns about how really far we have moved. It looks like we have moved, it looks like we have made progress but, in my mind, at the end of the day, we have landed back exactly where we were. I must say that the Hon. Mr Darley, in a meeting we had of all the crossbenchers, stated his case quite clearly in that meeting, that he saw no need to amend the government bill, which means that he also, at that meeting, made it clear that he supported the executive of government being responsible for the appointment of a commissioner.

In actual fact, we now have two Liberal, two Labor and two Independent members and an Independent in the chair of this committee, but I do not believe that the dynamics have changed at all. I am disappointed that we have come to this spot.

I heard the Hon. Robert Brokenshire on FIVEaa last night talking to Bob Francis saying, 'Let's just move on from this now and worry about legislation that gives people jobs and allows them to earn a living and move the state forward.' Well, in actual fact, we have people out there with great expectations for this ICAC—that people who have been treated unjustly are now at least going to have an avenue to lay their complaints and to be heard. I want it on the record now that this ICAC is not going to deliver that; I do not believe that it will.

I think that this is a great loss today in that we have passed a second-rate bill and settled for second best. I put it on the record, as I did with the harbouring bill and other bills in this place, where I have had to come back and say that, in my second reading speech, I had raised these concerns and I was assured that none of my concerns would ever come to fruition. I was nothing more than a conspiracy theorist. But, on a number of occasions, I have come back in this place and my fears have been realised.

So, I am putting this on the record today: we have a second-rate ICAC. This parliament, I believe, should respect the will of the public. This has been media driven. It is no wonder the Attorney-General wanted this to go to a deadlock conference because, once we are in a deadlock conference, the media cannot be manipulated. We cannot make comment about what is discussed in a deadlock conference, so there would have been no media bites for anybody, and I believe that that is what drove us away from the parliamentary process of using a deadlock conference. This has been tried in the media, and the media have been led to believe that we now have a workable ICAC. I am on the record as saying that none of that is true.

The Hon. K.L. VINCENT: I indicate that, of course, my first preference would have been the model proposed under the Hon. Ms Bressington's amendment, and I have made that quite clear. I have also made it quite clear that the very reason I convened the meetings held with crossbenchers and the Attorney-General over the last week was in the spirit of compromise and looking for that compromise.

I believe that the right kind of model to begin with would have been one that gave the entire parliament scrutiny over this appointment. Failing that, I believe that something like the committee proposed under my own amendment would be the closest thing to an acceptable compromise, in my mind. So, even though I accept that those models will not be passing today—in fact, given that those models will not be passing today—I find myself morally obligated to stick to both Ms Bressington's and my own amendments to signal to the South Australian community that the independence of the commissioner remains important to me and my party.

The Hon. J.A. DARLEY: I must say that I take objection to the comments made by the Hon. Ann Bressington and, if she read my comments yesterday where I clarified my position, what I said—

The Hon. A. Bressington interjecting:

The Hon. G.E. Gago: Absolutely outrageous!

The Hon. A. Bressington: You weren't at the meeting, Gail, so butt out.

The Hon. J.A. DARLEY: And neither were you.

The CHAIR: Order!

Members interjecting:

The CHAIR: Order! We have gone through this time and again and people have been heard in silence, especially the Hon. Ms Bressington, so the Hon. Mr Darley has the right to be heard in silence.

The Hon. J.A. DARLEY: What I said at the meeting—

The Hon. D.W. Ridgway interjecting:

The CHAIR: Order!

The Hon. J.A. DARLEY: —in so far as the government's bill was concerned was that that was a starting point, and that was the reason I prepared the amendment that suggested a veto approach to it.

The Hon. G.E. GAGO: There was lengthy debate yesterday evening and the points of view of the government are on record; and there were detailed comments made then and I am not about to repeat those. However, I do just want to make a couple of final comments. Firstly, I want to put on the record how offensive and outrageous the Hon. Ann Bressington's comments were in relation to the Hon. John Darley. To suggest that somehow the Hon. John Darley is not independent is just outright offensive. It is absolutely offensive—outrageous comment; absolutely outrageous comment. What is she suggesting? Is she suggesting that the only people who are going to be independent—

Members interjecting:

The CHAIR: Order!

The Hon. G.E. GAGO: —are those who share her point of view?

Members interjecting:

The CHAIR: Order!

The Hon. G.E. GAGO: That is what she is suggesting: the only people who are going to be independent—

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

The CHAIR: The Hon. Mr Dawkins, stop winding them up.

The Hon. G.E. GAGO: —are those who share the Hon. Ann Bressington's point of view. How outrageous, how absolutely, obscenely outrageous! I also just want to put on the record that the government is obviously very pleased and relieved that a solution has been found. We are delighted that the opposition has finally seen sense and supported the government's position.

The government, particularly the Attorney-General (the Hon. John Rau), has worked extremely hard with the opposition and all the minor parties and Independents. He has worked extremely hard, and his staff (his adviser, in particular), to identify people's particular concerns and

to find a way through that. He has sat through hours and hours of deadlock conferences that yielded very little.

I am not particularly referring to this bill: I am talking about all of the other deadlock conferences that he sat in where almost nothing has been achieved. Day in, day out, we come in here having to pass resolutions to enable us to attend deadlock conferences that yield almost nothing. What the Attorney-General has done is that he has gone around and spoken to the opposition, the Independents and the minor parties. He has worked to identify issues, he has worked a pathway through this and he has finally landed that.

What was important here—and I said this last night and it is important to say it one more time—is that there are a wide range of different points of view on this in terms of the opposition and also amongst the minor parties and the Independents, and taking that to a deadlock conference that excluded some of those parties the Attorney-General believed was not the prudent way to go forward. It is time for an ICAC. This government is committed to delivering one, and we are delighted that the opposition and at least some of the Independents and minor parties are prepared to support this very important bill.

The committee divided on the motion:

AYES (17)

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

NOES (4)

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

Majority of 13 for the ayes.

Motion thus carried.

The Hon. G.E. Gago interjecting:

The CHAIR: Minister, order! So that we can keep on—

Members interjecting:

The CHAIR: Order! We are now moving on to—

An honourable member interjecting:

The CHAIR: Are you going deaf?

An honourable member interjecting:

The CHAIR: Well, help yourself outside. We now move on to the alternative amendment moved by the Hon. Mr Brokenshire.

Amendment carried.

Amendment No. 24:

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

That the Legislative Council insist on its amendment No. 24.

The Hon. S.G. WADE: Point of clarification: I thought the government was going to move their amendment as well?

The Hon. G.E. GAGO: Later.

Motion carried.

Amendments Nos. 39 and 40:

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

That the Legislative Council insist on its amendments Nos. 39 and 40.

Motion carried.

Amendments Nos. 42 and 43:

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

That the Legislative Council insist on its amendments Nos. 42 and 43.

Motion carried.

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

That the Legislative Council makes the following consequential amendment:

New clause, Schedule 3, page 67, after line 39—After Schedule 3 clause 49 insert:

49AA—Amendment of section 15H—Membership of Committee

Section 15H(1)—delete subsection (1) and substitute:

(1) The Committee consists of 6 members of whom—

(a) 3 must be members of the House of Assembly appointed by the House of Assembly, of whom—

(i) at least 1 must be appointed from the group led by the Leader of the Opposition; and

(ii) at least 1 must be appointed from the group led by the Leader of the Government; and

(iii) at least 1 must be a member who does not belong to the group led by the Leader of the Opposition or the group led by the Leader of the Government (unless there is no such member or no such member consents to appointment to the Committee); and

(b) 3 must be members of the Legislative Council appointed by the Legislative Council, of whom—

(i) at least 1 must be appointed from the group led by the Leader of the Opposition; and

(ii) at least 1 must be appointed from the group led by the Leader of the Government; and

(iii) at least 1 must be a member who does not belong to the group led by the Leader of the Opposition or the group led by the Leader of the Government (unless there is no such member or no such member consents to appointment to the Committee).

The government supported the Hon. Robert Brokenshire's amendment to provide the Statutory Officers Committee a right of veto over the proposed appointee. This consequential amendment to the Parliamentary Committees Act will ensure a place for an Independent from both houses to be appointed to that committee.

The act will prescribe that an Independent from both houses must be a member of that committee, and that those members cannot, at the whim of the majority of a house of parliament, simply be removed. So, it will be enshrined in legislation and given that legislative undertaking. I understand that the opposition is also prepared to support this amendment.

The Hon. S.G. WADE: I simply confirm the minister's comments that the opposition will support this amendment. I think it is also a historic day in the sense that, as the Parliamentary Committees Act and Statutory Officers Committee have been updated for what has been a reality in this chamber for 30 years; that is, the growing presence of the Independents. I think we now have the largest group of Independents that this chamber has ever had, at about a third of the house. That makes it the house with the largest number of Independents of any mainland state. I support the government's amendment, which recognises that, in an important parliamentary committee.

The Hon. M. PARNELL: Whilst the Greens' clear preference, as shown in the last division, was for all 69 members of parliament to have a say, we can see that that is now off the

table, so we are now looking at the composition of the committee. The committee that is before us in this consequential amendment does have slightly more balance than previously, but I still make the point that it is only six members out of 69.

I will just make a further observation that if the government has now seen fit to reform this particular committee to properly reflect the composition of the parliament, then we say: bring on another amending bill, and let us go through all the rest of the committees of parliament, and let us have them all reflect the diversity of views in the parliament, including the one-third of members of this chamber who do not belong to either the government or the opposition.

I think the precedent has been set today. The government is on the record as saying it does not want parliamentary committees to be stacked. They do not want them to be dominated by the government of the day. Bring on an amending bill and we will be right behind you. Let us have our parliamentary committees more fully reflect the diversity of views in this place.

The Hon. R.L. BROKENSHIRE: Family First just puts on the public record that we concur with what the government and the opposition have said. In fact, the shadow attorney-general said what I was basically going to say. It is an important amendment. It was paramount to the final solution to this, and we are very pleased to be able to support this amendment to complete the bill.

The Hon. K.L. VINCENT: Just to quickly reiterate that I find myself morally obligated to oppose this amendment and stick by the model proposed by Ms Bressington and myself. Absolutely no-one has contacted my office saying that having an Executive Council appointment is a good idea. Absolutely no-one has told me that they are not comfortable with the independent representation and so I find myself obligated to stick by the position of having as moderate representation as possible and that would have been achieved with these amendments.

The Hon. J.A. DARLEY: Obviously, I will be supporting the amendment.

Motion carried.

CRIMINAL LAW (SENTENCING) (SUPERGRASS) AMENDMENT BILL

In committee.

The Hon. G.E. GAGO: I was not advised that the opposition was not prepared to progress this today. I understand that they will be willing to progress it tomorrow, so with that I move:

That progress be reported.

Progress reported; committee to sit again.

DEVELOPMENT (PRIVATE CERTIFICATION) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 27 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) (12:12): I understand that there are no further contributions on this. I thank honourable members for their second reading contributions. I understand there are a number of questions, which I will be happy to deal with in committee. I thank honourable members for their support and look forward to dealing with the bill expeditiously through committee.

Bill read a second time.

In committee.

Clause 1.

The Hon. D.W. RIDGWAY: I have a number of questions on which I would like answers before we progress. There are only two amendments. My first question was one that I put in the second reading debate last night, and it was to get a confirmation that private certifiers will deal only with residential code developments. We know the residential code is not prescribed in the act. I had discussion with parliamentary counsel about limiting it to the residential code. The Hon. Mark Parnell has an amendment that tries to do that. The opposition is not necessarily committed to that any more, but we want to know why, as the LGA sums it up:

> The regulations provide private certifiers with the authority to determine a minor variation from complying development and consult with other authorities and agencies to request further information from the applicant and grant permission to vary a development plan consent.

I want to know why private certifiers have been given the authority to determine minor variation and how you quantify that minor variation? If you give an inch, people take a yard. I am interested to know how you quantify that minor variation. That was an issue that the LGA raised with me. Somebody who is a private certifier gives a development approval for a particular project and it is only a very slight variation; the next one they come to is a bit further. It is an incremental, if you like, dilution of the residential code. That is the first question I would like an answer to.

The Hon. G.E. GAGO: Perhaps you could put all your questions while we are waiting for an officer.

The Hon. D.W. RIDGWAY: There were a number of questions posed by the Australian Institute of Building Surveyors that I put on the record last night, so I hope the officer is busily trying to answer them now. The implications for private certifiers include insurance, that is, liabilities of the planning system. If the planning system fails, where does the liability lie? With the private certifier? The second question—and I will number them so I can come back to them when the officer gets here—

The Hon. M. Parnell: The minister can answer them.

The Hon. D.W. RIDGWAY: I do not think the minister can answer them; that is the trouble. It is a shame. The Minister for Planning, the Hon. John Rau, was in the gallery. Perhaps we should have him down here as an officer to advise her. My second question is: if a conflict or an inconsistency arises with local government—we have 67 local governments across the state—if we drop private certifiers in, how will we deal with any inconsistencies that may arise between private certifiers and the local council and any liabilities that arise from that?

The third question relates to the sort of skills and experience that will be required for planning certifiers. My understanding now is that local government planning officers are not required to have a planning degree or any tertiary education, but they are required, obviously, to understand the development plan and the components that affect their local council. Building surveyors are the ones who are likely to take up these positions. I guess they are just asking: what will I need to do to be skilled up to be able to do this?

Other comments and questions were raised. My fourth question is: why the rush? It seems that these time frames were almost too short for proper consideration of all of these other implications. My fifth question is: why are the regulations structured such that a private certifier is given powers that he does not need for residential code development? I think that comes to the same point as the Local Government Association: it is allowing these minor variations outside of the residential code.

Where is the demonstrated need for giving private certifiers these powers? That is my sixth question. My seventh question is: what evidence is there that private certifiers will use the powers that are given to them? The government talks about this being of great economic benefit and it will speed up the system. The Australian Institute of Building Surveyors is wondering whether there will be much take-up of this at all.

My eighth question relates to the government spending a large amount of money training local government planning officers in the residential code. What evidence is there that private certifiers have sufficient knowledge on the residential code planning requirements and do not require further training?

An honourable member interjecting:

The Hon. D.W. RIDGWAY: Yes, where is the evidence that private certifiers can just jump straight into it? My ninth question is: if they require further training, how is that training to be provided? My 10th question for this point is: has the government considered whether there should be an increase in public liability and professional indemnity insurance requirements for private certifiers considering now they have both planning and building for ResCode developments? That is the extent of the questions that I would like answered before we progress the bill. I know the Hon. Mark Parnell may have some, but at this point in time, I would like some answers.

The CHAIR: The Hon. Mr Parnell, have you got a question or two?

The Hon. M. PARNELL: I had thought to save some of these up until we get to the appropriate spot in the bill, but I will put a couple on the record for now. Could the minister explain the regime for the management of paperwork around private certification? In particular, what

obligation is there on private certifiers to hand their file over to the council for the purposes of long-term keeping under public register provisions?

It may well be that it is in the bill or the regulations somewhere and I have missed it, but I am trying to work out what obligation is there; that is my first question. Secondly, is there any reason why the government has not included in the bill the same access to information provisions that apply when a local council deals with an application? Why has the government not mirrored those provisions when it comes to private certifiers?

The Hon. G.E. GAGO: In relation to the first question, I have been advised that the definition of 'minor variation' is, in fact, a question of judgement that is to be exercised. It is something that I have been advised is impossible to define precisely in legislation. However, the department will be issuing guidelines that will assist in providing a context for that and it will also be covered in training. Also, just to reassure members, private certifiers will be audited and, obviously, if their judgement is out of alignment, those issues will be able to be picked up there.

The Hon. D.W. RIDGWAY: I am interested in the audit process, and I am aware that there is a proposed audit process. Who will conduct the audit? How will be it be conducted? Is it a random audit? For the record, it would be interesting to know exactly what is envisaged for the audit process.

The Hon. G.E. GAGO: In terms of who, I have been advised that the department will employ a specific person to be the auditor; in fact, I am advised that they have already been employed. They will be a department employee who will have specific expertise in auditing. In terms of how, I am advised that a program of auditing will be put in place and, like most other systems of compliance, it will be a combination of spot checks or random auditing as well as a system that responds to specific complaints or problem areas that may have been identified or brought to the attention of the auditor.

The Hon. D.W. RIDGWAY: So the auditor will have training. Are they auditing the building surveyors and private certifiers and planning certifiers? I would like to know what qualifications they will have and what salary band they will be on.

The Hon. G.E. GAGO: I am advised that it is believed (although we can have this checked) that it is set in an ASO6 level. As I said, we can double-check that, but the person has appropriate qualifications involved in auditing, in risk or compliance management, and it is a skill set that can apply to both areas of expertise.

The Hon. D.W. RIDGWAY: That might follow onto one of the other questions I asked, given that we are talking about training. For planning certifiers, the third question I asked was: what skills and experience will they need to have to be able to be registered or approved to be a private certifier?

The Hon. G.E. GAGO: I have been advised that we are not having separate planning certifiers. What we intend to do is extend current certifiers to include residential codes.

The Hon. D.W. RIDGWAY: My understanding of the current certifiers for building rules consent is that most of them are structural engineers. I know that we did have some discussion over the qualifications of one of former minister Holloway's advisers, as to whether they were a building certifier or an accredited certifier; I can't recall the exact term, but I think there was a slight difference in the technical term. I would be interested to know what additional training or qualifications a current certifier has if we are giving them an extra role to play. How will you know that they actually have the ability to perform that role?

The Hon. G.E. GAGO: I have been advised that it is the view of the department that the current qualifications held by building surveyors are sufficient to do this role, as per what happens in Victoria, where they do both residential and building codes. However, you can be assured that, in addition to that, they will be required to do some additional training that will specifically deal with the South Australian ResCode.

The Hon. D.W. RIDGWAY: Who will provide that training; where does that come from?

The Hon. G.E. GAGO: The department will be working with appropriate industry bodies to provide the training.

The Hon. D.W. RIDGWAY: A lot of my questions have been answered, but I have a couple more. One of the questions the Institute of Building Surveyors provided me with is: why are the regulations structured in such a way that a private certifier is given powers that he does not

need for the residential code? I guess they are alluding to the variations outside of the residential code. They feel that, by reading the regulations, there are powers given to them that are more than they need for the residential code.

VISITORS

The PRESIDENT: Before I call the minister, I would like to acknowledge Aldinga Primary up in the gallery. Welcome once again; I hope you enjoy your time here.

DEVELOPMENT (PRIVATE CERTIFICATION) AMENDMENT BILL

In committee (debate resumed).

Clause 1.

The CHAIR: The honourable minister.

The Hon. G.E. GAGO: It is our view that really the only matter that we think this could possibly relate to is that issue of minor variations, and we have already outlined the ways of ensuring that judgements around minor variations are contained within a particular standard.

The Hon. D.W. RIDGWAY: Has the government considered whether there will be a need for the private certifiers to have increased public liability and professional indemnity insurance now that they are doing extra roles, or is it the government's view that they will need extra cover?

The Hon. G.E. GAGO: The department's view is that it does not believe that any additional cover is required and that the existing cover is sufficient. Under the existing arrangements, they are required to have cover against potential deaths, and the view is that that is sufficient. However, the department is happy to receive any advice or feedback from the industry, and review that if the industry determines that there is a need to look at that further.

The Hon. D.W. RIDGWAY: This is my final question, at this stage, Mr Chairman. This relates to the private certifiers as a group, and, in particular, to a select committee that was held in the House of Assembly chaired by minister Rau (who was, I think, probably backbencher Rau at the time and who is now the Minister for Planning), and I think that it is important in the context that now we are given the private certifiers' broader roles. One of the select committee's recommendations which the industry thought would probably have rolled out by the start of this year was a code of practice.

That has been delayed, and the industry would like to know when those select committee recommendations will be implemented. I think that the select committee was conducted in pretty good spirit with a sense of trying to come up with some sensible, workable recommendations. The industry has been a little frustrated that things like a code of practice—which may well help some of the issues I have raised in other questions—have been delayed, and it is very frustrated.

The Hon. G.E. GAGO: I am advised that some of those recommendations have been implemented already, such as, for instance, the employment of the auditor. A number of the recommendations have been delayed as a result of dealing with the bill itself. However, it is the intention that the bulk of the remaining recommendations will be implemented when this bill or act is put in place—perhaps, around early March. The time frame is not certain, but we think about then, next year.

The CHAIR: Before the Hon. Mr Parnell gets onto a series of questions, you are doing contributions one to five because you have the amendment?

The Hon. M. PARNELL: In fact, I will leave that amendment issue until we get to it, because I have actually had the opportunity whilst listening to the Hon. David Ridgway's questions to answer some of my own having had a quick look at the draft regulations.

The Hon. G.E. Gago interjecting:

The Hon. M. PARNELL: There are still some more, though, do not fret. My question for now, though, is: is there anything in this bill or in the regulations that prevents a private certifier from certifying his or her own development?

The Hon. G.E. GAGO: Yes. I have been advised that section 92 covers the issue of conflicts of interest, and also the code of practice covers conflicts of interests.

The Hon. M. PARNELL: I thank the minister for her answer. I do not have section 92 in front of me, but if she could get advice on whether that would also include the situation, for

example, where a large scale property developer might have on staff a suitably qualified person who would act as a building rules private certifier and also now a development plan certifier. Is there anything that prevents a property development company employing its own private certifier?

The Hon. G.E. GAGO: I am advised that, in relation to your last example, yes, it would be covered. Section 92 covers circumstances in which a private certifier may not act. Section 92 provides:

(1) A private certifier must not exercise any functions of a private certifier in relation to a development—

(a) if he or she has been involved in any aspect of the planning or design of the development (other than through the provision of preliminary advice of a routine or general nature); or

(b) if he or she has a direct or indirect pecuniary interest in any aspect of the development or any body associated with any aspect of the development; or

(c) if he or she is employed by any person or body associated with any aspect of the development; or

(d) if he or she is excluded from acting pursuant to the regulations.

Clause passed.

Clauses 2 to 5 passed.

Clause 6.

The Hon. M. PARNELL: I move:

Page 6, after line 10—insert:

(1) Section 89—after subsection (2) insert:

(2aa) The regulations may not authorise a private certifier—

(a) to grant a development plan consent unless the consent relates to a proposed development—

(i) that involves a building (or proposed building) that is used (or to be used) solely for residential purposes (or a purpose that is ancillary to such residential purposes); and

(ii) that is a complying development; and

(iii) that falls within a class of development prescribed by the regulations; or

(b) to make a determination under section 35(1b); or

(c) to act in relation to a proposed development that falls within the ambit of section 35 (1c).

The intent of this amendment is to constrain the ability of this government or a future government from expanding the range of matters that can be dealt by private certifiers through regulation. I say at the outset that I do not doubt at all what the minister said in the second reading speech. I refer to those words:

It is the Government's intention to have draft regulations prepared...

Also, the government does not intend to make significant changes to the existing framework for private certification already applying. The minister said elsewhere:

...the Government's intention is to then make a regulation providing for private certification to be available for residential code applications.

I accept that is the government's intention, but the consequence of this bill is that the door is left open for any other type of development ultimately to be brought within the jurisdiction of private certifiers. I can only imagine two examples where a private certifier could not be involved. One would be a major project where the Governor has to make the final decision and the other would be a crown development (a section 49 crown development) or a public infrastructure application, because the minister has to make that decision.

I would have thought that having removed the blanket prohibition against private certifiers giving development plan consent that there is this opportunity now if a government wanted to, for example, make all industrial development subject to private certification or wind farms to be made

subject to private certification. In fact, you could pick any form of development you wanted and you would put it in the regulations and private certifiers could deal with it.

The response might well be that such an abuse of process would not survive a disallowance motion in the Legislative Council, and that may well be the case, but if regulations were introduced in the second week of December and they would then operate for several months before the parliament had any chance to disallow them, the disallowance would not be retrospective. It seems to me that rather than us second-guessing and using the disallowance power to deal with future abuse of power, why not make it very clear in this legislation today that we are only talking about a limited role for private certifiers? That, effectively, is in relation to houses—in other words, residential properties—that are complying and where the regulations set out what type of development is included.

If we put that constraint in the legislation, there is no temptation on government to try to fast-track development applications in the future by taking a particular type of development away from the local council and putting it in the hands of private certifiers. So, that is the intent of this amendment. It is basically to future proof the legislation and to make sure that it cannot be abused. I point out that this amendment has absolutely no impact at all on the government's stated intention in relation to this legislation. They have said it is only to apply to residential code matters and nothing in this amendment prevents that from happening, so I urge all honourable members to support this amendment.

The Hon. G.E. GAGO: The government opposes this amendment. The amendment purports to insert a new subsection (2aa) into section 89, which would limit private certification to residential development that is complying. The government's view is that it is best to enable the head power to be broad and to leave matters of limitation to the regulations, a draft copy of which has already been provided to members.

This is also believed to be the best way to avoid unintended limitations that would necessitate further statutory amendment; for example, in relation to limited assessment, the government believes that there could be a case for enabling this to occur if a certifier was appropriately qualified. The government also takes the view that the potential for parliamentary disallowance is an appropriate safeguard against extension of private certification to matters which parliament does not consider would be warranted.

The Hon. D.W. RIDGWAY: I rise to indicate, as I have already informed the Hon. Mark Parnell, that the opposition will not be supporting this amendment. We had some genuine concerns about the limitation to the residential code and what powers may be extended to private certifiers. We asked a range of questions in the House of Assembly, we have had further discussions with industry, and we have also had questions answered here today.

While I think the Hon. Mark Parnell may be technically correct, in that it can be broadened out, I know it is not the intent of the current government. Both the minister in the House of Assembly and the Leader of the Government in this place have made it very clear in their contributions that it will be limited to just the residential code. If I have the good fortune to be minister following the next election, it would be my intention that we do not broaden it beyond what we are discussing here.

If at any point it is broadened, of course the regulations are disallowable, and I am sure that this chamber would only be too happy to disallow them if they felt that they were an unreasonable abuse of the head powers that have been given in the act. So, we will not be supporting the amendment.

The Hon. M. PARNELL: I can see that this amendment will not have the support of the chamber at this time. I just wanted to add that this was a request of both the Planning Institute of Australia (South Australian Division) and also the Local Government Association. But, given the busy workload today, I will not be dividing on this amendment.

Amendment negatived; clause passed.

Clause 7 passed.

New clause 8.

The Hon. M. PARNELL: I move:

Page 6, after line 14—Insert:

8—Amendment of section 97—Duties of private certifiers

(1) Section 97(1)—after paragraph (b) insert:

and

(c) keep at his or her principal place of business a register of—

(i) applications made to the private certifier under this Act; and

(ii) any decisions on such applications that have been made by the private certifier for the purposes of this Act; and

(iii) any other matter prescribed by the regulations; and

(d) make—

(i) the register required under paragraph (c); and

(ii) any technical details, particulars, plans, drawings, specifications or other documents or information considered on an application for a development plan consent or a building rules consent; and

(iii) any notification of a decision given by the private certifier under section 93(b)(i); and

(iv) any other document prescribed by the regulations,

available for inspection by members of the public at the private certifier's principal place of business during his or her normal office hours.

(2) Section 97—after subsection (1) insert:

(1a) In connection with the operation of subsection (1)(d)—

(a) a private certifier is entitled to charge a reasonable fee fixed by the private certifier before allowing a member of the public to conduct an inspection under that subsection; and

(b) a private certifier is not required to make available to a member of the public—

(i) any plans, drawings, specifications or other documents or information if to do so would, in the opinion of the private certifier, unreasonably jeopardise the present or future security of a building; or

(ii) any documents or information that are otherwise excluded from the ambit of subsection (1)(d) by the regulations; and

(c) a private certifier must, after making any decision on an application under this Act, in accordance with any provision made by the regulations, deliver to a relevant authority prescribed by the regulations any plans, drawings, specifications or other documents of a prescribed kind (and then the private certifier is no longer required to make those documents (or any copies of those documents) available to the public under subsection (1)(d)).

This is an amendment of section 97—Duty of private certifiers. The intent of this amendment was to make sure that private certifiers are subject to the same rules in relation to making documentation available to the community as a local council would be if the matter were lodged with the local council.

As we have been considering this, I have had another opportunity to have a look at the draft regulations that have been put forward, and I note that, under the proposed amendment to regulation 15, it says that if an application is lodged with a certifier then that private certifier must forward to the local council a copy of the application and also the base amount of the lodgement fee, and they have to do that within two business days.

Presumably—and the minister can clarify this—that might mean that a member of the public has the same right to access that information at the council as they would have, had the application been lodged originally at the council. It seems to me that this obligation on the private certifier to hand over a copy of the application and the money does not actually go far enough, because we know with these applications that after the original application has been lodged there is lots of correspondence toing and froing, there are modifications of plans and there is a whole range of things that are going to boost the thickness of the file beyond that initial application.

There is nothing that I can see in here which obliges the private certifier to hand over the whole of the file. It is certainly obliged within two days to hand over the initial application and some money but, as for the rest of the file—the correspondence toing and froing, the modified plans—people might think that it goes without saying that of course they would do that, but it strikes me that it is not an obligation on them.

The amendment that I have put forward effectively has two components. The first one is to make sure that the file is handed over to the council ultimately, at which time I do not think the private certifier should be under any further obligation to make documents available to the public. The other amendment I have here is to say that the public can go to the private certifier and access documents in exactly the same way that they could if the application was lodged with the council.

I anticipate the government will say that that is duplication. The council will have it after two days, but my two points are: first of all, they will not necessarily have the whole file and, secondly, it is not clear to me that they would be obliged to make the application available to members of the public for inspection, given that the application was not lodged with them. They simply have a copy that was actually lodged with the private certifier.

Basically, this amendment is to level the playing field. It is to say, if you have a right to go to the council and get copies of documents or look at an application, you should also have the right to go to a private certifier and see those documents or get copies. When the private certifier is finished with it and hands the file over to the council, that is the end of the private certifier's obligation.

It makes sense, of course, because councils have perpetuity. They have perpetual succession, whereas a private certifier might drop dead the next day or might resign from the business. It makes no sense for them to have an ongoing responsibility to maintain these records. The council should be the custodian. That is the intent of this amendment, and I look forward to the council supporting it.

The Hon. D.W. RIDGWAY: I indicate that the opposition will be supporting the Hon. Mark Parnell's amendment. I did advise Mr Golding from minister Rau's office yesterday that of the two amendments we would be supporting this one, so the government could be aware in some advance and be prepared for it here today. We think it makes some sense, for the reasons outlined by the Hon. Mark Parnell, especially with the record keeping and the ongoing duty of councils being that the body that will continue to keep records even if they merge, cease to exist or whatever over time. As we have seen, those records will be passed on to whoever the next civil authority is.

I think there is some real merit in making sure that those records are handed on, because everybody in this place will probably have one, two, three, four—or in the case of you, Mr Chair, several—houses in his lifetime. Sometimes you may want to check exactly what happened to them, some of the planning approvals, additions, renovations, or changes, and it is important to have those records where you can easily access them. The opposition thinks having them kept at the local council makes a very sensible amendment.

The Hon. G.E. GAGO: The government opposes this amendment. This amendment duplicates already established provisions in the regulations that relate to maintaining records of development approvals by councils and private certifiers and their inspection by members of the public. The government's draft amendments to the regulations vary these provisions to take account of private certification for the residential code.

Regulation 92 provides for private certifiers to provide certain information to councils as part of the process of certification pursuant to section 93 of the act. Section 93 is being consequentially amended as part of the bill. This includes two copies of plans, drawings, specifications and other documents and information lodged by the applicant, stamped or otherwise endorsed by the private certifier's consent (regulation 92(2)(a)).

Under regulation 98, both councils and private certifiers have obligations to maintain registers relating to their development assessment functions. Councils are required to make this information available to the public for inspection subject to reasonable fee (regulation 98(3)). This is because the council is the authority that issues the formal approval and therefore must maintain the public record of the decisions that have been made. Under current regulation 98(5) private certifiers are required to maintain such records for no less than three years. This enables them to be available for inspection by an auditor for insurance purposes and suchlike.

It would be problematic to enable members of the public to inspect records held by a private certifier as these may contain matters that are commercial-in-confidence, and in any event the actual issuance of the development approval is not done by the certifier but by the council upon receipt of a certificate and supporting documents from a certifier. Moreover, this proposed amendment does not impose any time limit on the period for which certifiers are to keep records.

As drafted, the amendment seems to require a private certifier to maintain the records indefinitely. This would impose a changed cost burden on existing certifiers, which would require further consultation. Further, it would duplicate existing obligations on councils to maintain records. In other words, the amendment would mean that both a council and a private certifier have to maintain essentially the same records. So, for those reasons (and I think they are pretty compelling reasons) the government opposes this amendment and would urge others to oppose it as well and to reconsider their current position.

The Hon. M. PARNELL: I do not accept all the matters the minister spoke of just then. One of the things she said towards the end was that my amendment seemed to be open ended. It is fairly clear to me that I have built in, effectively, a sunset clause in relation to members of the public being able to approach a private certifier for access to documents. My proposed new section 97(1a)(c) states:

> a private certifier must, after making any decision on an application...in accordance with any provision made by the regulations, deliver to a relevant authority...any plans, drawings, specifications or other documents of a prescribed kind...

In other words, that is the model: the private certifier hands it over to the council; then it becomes the council's responsibility. If I understood correctly what the minister said earlier in her contribution, I think she suggested that private certifiers were already beholden to the public to make documents available to members of the public on request.

The minister may want to clarify that because my understanding is, from talking to a large number of people who have tried to get documents out of private certifiers—or even private certifiers' documents out of local councils—that they have always been denied. It seems to me that, if what the minister is saying is correct, then the system is falling down because these documents are not available.

The only other thing I would suggest, other than urging members to continue to support this amendment, is that, if the minister felt there was any value in reporting progress and double-checking these points, I am open to that; otherwise, I will just proceed with my amendment.

The Hon. G.E. GAGO: On a point of clarification, could you please point out where the sunset clause is?

The Hon. M. PARNELL: The very final paragraph on the second page of the amendment basically says 'a private certifier must, after making any decision on an application under this Act', so that means when they have finished, when they have done their job, when they have certified—when that has happened If a private certifier never certifies, if they keep their file open forever, yes, there is no sunset there, but I have to say that a private certifier who never issues any certificates is not long for this field of work.

It goes on to say that, having made a decision, which effectively means having issued their certificate, they hand it all over to the local council. I think that reflects what I call a sunset clause and it removes any further obligation they have to the community. If they have additional obligations to maintain records for three years, as I think the minister pointed out, then that is a separate matter, but certainly the public cannot go knocking on the door of a private certifier saying, 'Can we please look at the paperwork?' Once it has been handed over to the council—I think it is regulation 99 or 100, or somewhere around there—there is an obligation on the council to make documents available.

However, I think there is ambiguity because the application will never have been formally lodged with the council. The council holds an application that was lodged by someone else. It might seem semantic, but I just want to make it clear for the purpose of access to information and making sure there is no wriggle room, making sure there is no ability for either councils or private certifiers to deny members of the public access to these important documents. I think this amendment is the way to achieve that.

The Hon. G.E. GAGO: Thank you for your clarification on the sunset clause. We now understand how that works. That was not our understanding, so thank you for clarifying that. In

relation to public inspection, public inspection can only occur by councils, and that is because councils issue development approvals and they are the public register of decisions. Auditors can look at private certifier records. So that just clarifies those issues. For the above reasons, the government continues to oppose this amendment.

The Hon. D.W. RIDGWAY: I just want clarification from the minister. The aspect of the amendment that the opposition is most attracted to is the fact that a private certifier is required to hand their records over to the local council in perpetuity, if you like. So, if the private certifier goes out of business, leaves the state, dies, or whatever, that information is held by the municipal body that administers that area. That is the part in the Hon. Mark Parnell's amendment that the opposition is most attracted to. Will that happen under the current government arrangements?

The Hon. G.E. GAGO: I have been advised that, yes, the regulations will provide for that. That will be dealt with quite explicitly in the regulations.

Progress reported; committee to sit again.

UPPER SOUTH EAST DRYLAND SALINITY AND FLOOD MANAGEMENT (POSTPONEMENT OF EXPIRY) AMENDMENT BILL

Received from the House of Assembly and read a first time.

CONSTRUCTION INDUSTRY LONG SERVICE LEAVE (MISCELLANEOUS) AMENDMENT BILL

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

[Sitting suspended from 13:06 to 14:17]

PAPERS

The following papers were laid on the table:

By the President—

Reports, 2011-12—
- City of West Torrens
- District Council of Franklin Harbour
- District Council of Tumby Bay

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

Reports, 2011-12—
- Defence SA
- Department for Manufacturing, Innovation, Trade, Resources and Energy
- Department of the Premier and Cabinet
- The Essential Services Commission of South Australia
- Funds SA
- Motor Accident Commission
- South Australian Alpaca Advisory Group
- South Australian Apiary Industry Advisory Group
- South Australian Cattle Advisory Group
- South Australian Deer Advisory Group
- South Australian Goat Advisory Group
- South Australian Government Financing Authority
- South Australian Horse Industry Advisory Group
- South Australian Pig Industry Advisory Group
- South Australian Sheep Advisory Group

By the Minister for Industrial Relations (Hon. R.P. Wortley)—

Reports, 2011-12—
- Central Adelaide Local Health Network
- Northern Adelaide Local Health Network
- Southern Adelaide Local Health Network

By the Minister for Communities and Social Inclusion (Hon. I.K. Hunter)—

Reports, 2011-12—
Australian Children's Education and Care Quality Authority
Child Death and Serious Injury Review Committee
Department for Communities and Social Inclusion
Department for Correctional Services
Education and Care Services Ombudsman, National Education and Care Services FOI and Privacy Commissioners
Land Management Corporation
Native Vegetation Council
Save the River Murray Fund
South Australian Multicultural and Ethnic Affairs Commission
South Australian Water Corporation
Stormwater Management Authority
Urban Renewal Authority
Review by the Office of Carers regarding the Operation and Effectiveness of the South Australian Carers Recognition Act 2005

By the Minister for Social Housing (Hon. I.K. Hunter)—

South Australian Housing Trust—Report, 2011-12

LEGISLATIVE REVIEW COMMITTEE

The Hon. G.A. KANDELAARS (14:20): I bring up the 19th report of the committee.

Report received.

QUESTION TIME

LALUNA HOUSING COOPERATIVE

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:21): I seek leave to make a brief explanation before asking the Minister for Social Housing a question about an impending eviction.

Leave granted.

The Hon. D.W. RIDGWAY: One of the minister's responsibilities includes the LaLuna Housing Cooperative. Last year, there were allegations of bullying and intimidation within the cooperative. In fact, just under a year ago, on 2 December 2011, an investigation was commissioned by Community Partnerships and Growth into the LaLuna Housing Cooperative. This report was due nine months ago, but it still is not finalised. In April, after a draft report was released, a Housing Appeal Panel hearing was held with Ms Rebecca Cambrell, who lives in one of the co-op's properties. The hearing found that the co-op's management was being conducted appropriately, but the panel did not consider the findings of the draft report.

The next development involved a complaint being made over the draft investigation report, so Community Partnerships and Growth commissioned an audit to be conducted by Ernst & Young. The minister confirmed on 22 May that an audit was underway. This audit was completed in September, and it made recommendations to Monica Redden Consultancy to include in her report. These changes were recognised in the September 2012 Monica Redden Consultancy report which found 'evidence that LaLuna is currently not functioning effectively as a cooperative'. Specifically, concerns were raised about breaches of the Co-operative and Community Housing Act and it found evidence that LaLuna was experiencing operational difficulties.

Since this report has been released, Ms Kaye Espie has made representations on behalf of Ms Cambrell to Philip Fagan-Schmidt of Housing SA, Alison Kimber of CPG and yourself, minister. You recently wrote back advising that Ms Cambrell can appeal to the Housing Appeal Panel to safeguard her tenancy—a step already tried and rejected by Ms Cambrell. You also advised that a separate investigation into the report was being undertaken due to complaints 'relating to natural justice and administrative law principles'. Ms Cambrell now faces a Residential Tenancies Tribunal hearing regarding her tenancy on Friday. My questions are:

1. Can the minister advise why the Housing Appeal Panel did not consider the draft report prepared by Monica Redden Consultancy and why it came to a considerably different conclusion compared with both the draft and final investigation reports?

2. Can the minister elaborate on the details of the current investigation he mentioned in his most recent letter to Ms Kaye Espie?

3. Can the minister advise whether he will intervene in this co-op due to the evidence found of breaches of section 71 of the South Australian Co-operative and Community Housing Act 1991?

4. Does the minister believe it is appropriate that tenants of a co-op currently under investigation can be evicted while the findings of those investigations are in dispute?

5. Will he intervene?

The Hon. I.K. HUNTER (Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (14:24): I thank the honourable member for his most important and incredibly well-researched question.

An honourable member: He's not a lazy opposition member.

The Hon. I.K. HUNTER: Obviously not; he obviously has leaks from someone who gives him very much detail and does the work for him. In December 2011, the director of Community Partnerships and Growth appointed an independent investigator to undertake an investigation into LaLuna Housing Cooperative under section 71(3) of the South Australian Co-operative and Community Housing Act.

This was, as I understand it, based on serious complaints made by members and tenants of LaLuna to Community Partnerships and Growth, and the apparent failure of LaLuna to comply with an order made by the Public and Community Housing Appeals panel in relation to a certain tenant. The draft of the investigation report was released and distributed to the housing cooperative for comment on 23 March of this year.

I am advised that, on 18 April 2012, a tenant within the LaLuna Housing Cooperative complained of bias and professional misconduct in relation to the draft report. The complainant was informed their complaint had been referred to the Department for Communities and Social Inclusion Risk Management and Internal Audit, and that on 29 May 2012 Ernst & Young were appointed to undertake an external review of the draft investigation report.

Ernst & Young completed its review of the draft investigation report on 16 August 2012 and Housing SA advised the complainant of progress and the future processes on 31 August 2012. On 14 September 2012, the investigator forwarded their final report on to Housing SA. Housing SA has attempted to meet with the complainant to discuss the outcomes of the complaints, but my advice is that it has been very difficult to secure an appointment with the complainant.

The department is considering the final investigation report and additional materials to determine whether statutory intervention into the cooperative is appropriate. It is my advice that it is also seeking legal advice on the matter and expects this to be provided in the next couple of weeks. Pending that legal advice and, of course, the outcome of the hearing the honourable member mentioned on Friday, I do not feel it is appropriate to comment further until after I have seen that advice.

The PRESIDENT: A supplementary from the Hon. Mr Ridgway.

LALUNA HOUSING COOPERATIVE

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:27): Does the minister believe that it is appropriate that tenants of a cooperative currently under investigation can be evicted while the findings of those investigations are in dispute?

The Hon. I.K. HUNTER (Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (14:27): I thank the member for his supplementary question; however, I go back to the final line of my answer, which says: I do not think it is appropriate for me to offer any other contribution while those matters are on foot.

The Hon. D.W. Ridgway interjecting:

The Hon. I.K. HUNTER: While there is a Residential Tenancy Tribunal hearing on foot for Friday, I don't believe it is appropriate for me to comment about that situation.

LIMESTONE COAST TOURISM

The Hon. J.M.A. LENSINK (14:27): I seek leave to make an explanation before directing a question to the Minister for Tourism on the subject of Limestone Coast Tourism.

Leave granted.

The Hon. J.M.A. LENSINK: The Limestone Coast Tourism body was formed in the early 1980s, with over 300 members in the 1990s at its peak. This body represented tourism within the Limestone Coast area, marketing and promoting the region with financial assistance from the state government. For the year ending June 2012, the Limestone Coast region attracted nearly 600,000 overnight visitors, who stayed a total of 1.946 million nights. In comparison, Kangaroo Island had had 121,000 overnight visitors, who stayed a total of 407,000 nights.

Following the release of the Destination Action Plan 2011, a new funding model was launched which saw the state government allocate only $10,000 towards the Limestone Coast Tourism promotion. At the same time, the government announced $23.7 million for Kangaroo Island, with $6 million allocated towards marketing alone.

The Limestone Coast region's Destination Action Plan 2012-15 prioritised 17 actions which were constructed with the assistance of Limestone Coast Tourism. The body was also identified by SATC as responsible in assisting in the implementation of many of these actions. However, with the cut in government funding, the Limestone Coast Tourism body publicly indicated in October that consideration was being undertaken to dismantle the body, and a meeting was held last month to consider a motion. A week later, in *The Border Watch* of 24 October, the minister stated she was '...disappointed that I didn't hear earlier of the Limestone Coast Tourism decision to dissolve'. Further, she went on to say:

> I would have welcomed the opportunity to meet with the chairwoman to work through the issues.

On 15 November, it was reported that Limestone Coast Tourism officially dissolved on 13 November, nearly four weeks after their original meeting, with all financial matters expected to be resolved in the new year. My questions are:

1. Did the minister attempt to contact Limestone Coast Tourism in the lead-up to their 13 November meeting and, if so, what options did she float to keep the organisation going?

2. Without the assistance of Limestone Coast Tourism, can the minister explain how she expects the destination action plan to be implemented?

3. Will the role of the tourism development officer now be expanded and provided with greater support in order to fill the gap left by Limestone Coast Tourism?

4. What will happen with the organisation's assets, such as its photo gallery and website?

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for Tourism, Minister for the Status of Women) (14:31): I thank the honourable member for her most important questions. Indeed, my understanding is that the Limestone Coast Tourism authority is a membership-based regional tourism association. They are independent bodies, and they are generally made up of local tourism operators which cooperate together to coordinate tourism activities across the region.

As an outcome of the changes to regional tourism in 2011, the South East Local Government Association, which formerly provided its funding for general regional tourism to the Limestone Coast Tourism organisation, redirected its funding towards the employment of a person who is focused specifically on developing product, and that person is located in the RDA of the Limestone Coast office. The outcome was that Limestone Coast Tourism, which had previously drawn on the services of regional tourism staff, was required to run in a self-sustainable way.

I am advised that the Limestone Coast Tourism membership base has dropped considerably over a number of years and has proven to be now too small to be viable, at about 36 members, I think it is, from across the Limestone Coast tourism industry, to sustain the organisation. As I said, these are generally private sector operators that are working to advance their businesses. The SATC does provide assistance.

The SATC continues a very strong engagement with the Limestone Coast tourism sector, and it has developed a destination action plan, in close consultation with regional stakeholders, including the South East LGA, RDA Limestone Coast and Limestone Coast Tourism. My

understanding is that funds were made available from SATC to assist in the development of those DAPs.

This has resulted in a 17-point plan, which is very powerfully shaping the commitment of resources from all parts of the SATC to projects aimed at growing tourism expenditure in the region. SATC staff are already engaged in developing accommodation and new experiences, developing a regional brand and building it into the commission's very much strengthened regional marketing program. The SATC, in particular, is in close engagement with the region and other SA and Victorian regions in developing the Melbourne to Adelaide touring route. The SATC is closely engaged in this effort at all times with the region's tourism industry development officer and, through her, key funding and supporting stakeholders.

The SATC regrets—and so do I—the demise of Limestone Coast Tourism. However, self-sustaining industry associations do operate in many other regions of South Australia, and the challenge of maintaining such a regional association for the Limestone Coast region has to be one best addressed by the industry in the region. Either they are prepared to indicate support for and partnership in the group or they are not and, in this case, clearly, many have indicated that they are not.

In 2010-11 the South Australian Tourism Commission undertook a major review of regional tourism arrangements under the Regional Tourism Growth Plan, the first review like that for many decades. The review led to major changes in regional structure that commenced in July 2011 and the development of a destination action plan (DAP), which outlines the 17 key actions designed to boost visitation to the Limestone Coast region; and SATC resources, obviously, will be directed towards achieving those outcomes that are identified on that DAP.

The DAP builds on the Regional Tourism Growth Plan, which has seen a redistribution of funding invested in the Limestone Coast region under the new funding model. SATC invests $10,000 annually to the operations of the RDA Limestone Coast and significant funds into marketing activities to directly increase visitation through things like the Best Backyard campaign.

The regional consortium of Limestone Coast councils decided, as I said, to redirect that $10,000 to the Limestone Coast RDA rather than Limestone Coast Tourism, and SATC and I, obviously, have to respect the South East LGA's decision to direct that funding in the way that it sees fit—and obviously the RDA in its work—to continue to develop the strengths and opportunities from within that region.

LOCAL GOVERNMENT EMPLOYEES

The Hon. S.G. WADE (14:37): I seek leave to make a brief explanation before asking the Minister for Local Government a question relating to council employees entering and working on firegrounds.

Leave granted.

The Hon. S.G. WADE: The 2005 Wangary fires on the Lower Eyre Peninsula claimed nine lives, injured 115 people and destroyed 93 homes. In total 77,964 hectares of land were destroyed. During the fire employees of the District Council of Lower Eyre Peninsula attended the fireground to assist in creating a firebreak using council equipment.

The council employees stayed on the fireground until 9.30pm when it was decided it was not safe to continue using the council machinery. The Deputy State Coroner found that, had they been asked, the employees would have continued to work on the fireground. The inquest concluded that had the council equipment been further utilised a significant difference could have been made to fighting the fire.

The opposition has been advised that council engagement on firegrounds is being impaired by confusion as to who bears the responsibility for the safety of council workers who enter firegrounds and operate council machinery on these grounds. The confusion arises in particular where council workers are operating under instructions from the South Australian Fire Service and no longer following the instructions from their employing council. My questions to the minister are:

1. Can the minister advise the council whether councils are responsible for and liable for the safety of their employees when entering a fireground?

2. Who is liable for any actions or decisions made by a council employee on a fireground?

The Hon. R.P. WORTLEY (Minister for Industrial Relations, Minister for State/Local Government Relations) (14:38): I would like to thank the member for his very important questions. I think that the answers are probably not straightforward. I think that the questions deserve answers warranted by the seriousness of the questions, so I will take them on notice and get back to him as soon as possible.

ARTS EVENTS

The Hon. G.A. KANDELAARS (14:39): I seek leave to make a brief explanation before asking the Minister for Tourism a question about the arts.

Leave granted.

The Hon. G.A. KANDELAARS: Members would know that the South Australian Tourist Commission and Events SA bring many amazing sporting events to Adelaide. What may not be known is that the SATC is also involved in the arts. Can the minister tell the chamber about an important international exhibition which will be coming to Adelaide?

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for Tourism, Minister for the Status of Women) (14:40): I thank the member for his most important question and his ongoing interest in the arts—his profound interest in the arts. The decision by the Art Gallery of South Australia to bring *Turner from the Tate: the Making of the Master* has been a very welcome one. As members may know, Turner was one of Britain's greatest artists, and this exhibition will bring a comprehensive selection of his iconic works from the Tate in London to Adelaide.

I am advised that the South Australian Tourism Commission is delighted to be able to support the Art Gallery of South Australia with this event. The exhibition has wide-ranging appeal, with the potential not only to increase the vibrancy of the city but also to attract visitors here to South Australia. The SATC will be assisting the Art Gallery by providing interstate marketing support and working with the gallery on the development of the exhibition tourism packages.

This is not the first time that the Tourism Commission has partnered with the Art Gallery to bring an important exhibition to South Australia. In recent times, the commission provided marketing support for the *Saatchi Gallery in Adelaide: British Art Now* exhibition, which was a fabulous exhibition, I have to say. I thought it was absolutely brilliant. Adelaide was the only location in Australia to host this significant event, which showcased contemporary British art. The fact that the Turner exhibition is coming here is also a real coup for South Australia. It will be here for 100 days, from 8 February to 19 May, and coincide with some of our great arts festivals, including the Fringe and the Adelaide Festival.

As the honourable member mentioned, Events South Australia is perhaps best known for bringing amazing sporting events to our state. This year alone has seen a number, including the Australian Swimming Championships, which included a record number of 834 registered competitors. The economic impact of this event was close to $5 million and the media value was $7.5 million, I have been advised.

Earlier this year, the 2012 World Tennis Challenge was held at Memorial Drive. The event saw sold-out crowds, and a total of 15,500 spectators and over 2,000 tennis enthusiasts participated across 10 days in the Be Active Challenge. The World Tennis Challenge has most recently been announced as the 2012 Sport SA event of the year.

From 22 to 26 February, the Specialized Australian Mountain Bike Championship event was held at Eagle Mountain Bike Park. It had more than 550 competitors and two hours of broadcast secured on SBS television. Our state also held the World Croquet Championships that ran from 28 April to 6 May. I am advised that this event attracted 80 top-ranked players from 11 countries who competed in the championships. A total of 4,000 spectators attended, and that included interstate and regional visitors.

The Australian University Games were held here from 23 to 28 September this year, the largest annual multisport event in Australia, and this is its 20th year. The AUG attracted just over 6,000 student athletes and accompanying team managers and staff from 40 tertiary institutions across Australia. The Inline Hockey National Championships were held here from 28 September to 6 October and saw 50 teams competing.

The FINA World Junior Driving Championships were held here in October. More than 250 of the world's best young divers, representing more than 40 countries, competed. Adelaide

was the first Australian city to host this international event. This month the Adelaide International 3 Day Event was held, the world bowls championship was conducted and the 15th Air New Zealand Golden Oldies world cricket festival is currently underway.

Each year we enjoy the Santos Tour Down Under, which is our most famous event, and I know that many members here are looking forward to the 2013 event with a lot of enthusiasm. These events and attractions over the past year demonstrate this government's commitment to its 'vibrant city' priority.

BRODIE'S LAW

The Hon. T.A. FRANKS (14:45): I seek leave to make a brief explanation on the topic of workplace bullying laws, specifically Brodie's Law, before addressing a question on this topic to the Minister for Industrial Relations.

Leave granted.

The Hon. T.A. FRANKS: As the minister is no doubt aware, on 31 May this year the federal Minister for Employment and Workplace Relations, Bill Shorten MP, asked the House Standing Committee on Education and Employment to inquire into and report on workplace bullying. On Monday of this week the committee tabled its report entitled 'Workplace Bullying: We just want it to stop'.

As members would know, workplace bullying can cause great distress and serious psychological injury to victims and their families, as well as affecting the wider community, resulting in the reduction of productivity and contributing to increased workers compensation claims and associated costs. Indeed, the Productivity Commission estimates that the total cost of workplace bullying in Australia is somewhere between $6 billion and $36 billion annually.

In the case of 19 year old Vamp Cafe waitress Brodie Panlock, it cost her her life. In her workplace Brodie had food thrown at her, she was spat on and she was held down by two co-workers while another poured cooking oil and beer over her. When her workmates found out that she had made a suicide attempt she was mocked and offered rat poison. What was done to this young woman was intolerable, insidious and, for Brodie, unbearable.

Desperately depressed she jumped to her death from a tall building. Cafe owner Marc Luis Da Cruz, manager Nicholas Smallwood, waiter Rhys MacAlpine and chef Gabriel Toomey were later convicted under that state's occupational health and safety laws, which only allowed for fines to be imposed. A resultant amendment to the Victorian Crimes Act is now known colloquially as 'Brodie's Law'.

Under Brodie's Law anyone found guilty of causing physical or mental harm to the victim, including self harm, can now face up to 10 years in gaol in that jurisdiction. Throughout the house inquiry the committee heard calls for a national criminal law based on Brodie's Law, expressly prohibiting workplace bullying. However, the committee has noted in its findings that:

> Constitutional limitations mean that it is not possible for the Commonwealth to make law criminalising any bullying or anti-social behaviour other than that which is typical of cyber bullying. This is because the Commonwealth's powers in this regard are restricted to the use of carriage service, such as the internet or telephones, to menace or harass another person.

Therefore, my question to the minister is: what action or response does the minister plan to enact with regard to this report and, in particular, to recommendation 22 which states:

> The committee recommends that, through the Standing Council on Law and Justice, the Commonwealth Government [will]:
>
> - encourage all state and territory governments to coordinate and collaborate to ensure that their criminal laws are as extensive as Brodie's law; and
> - encourage state and territory governments to consider greater enforcement of their criminal laws in cases of serious workplace bullying, regardless of whether work health and safety laws are being enforced.

The Hon. R.P. WORTLEY (Minister for Industrial Relations, Minister for State/Local Government Relations) (14:48): I thank the member for her very important question. The events and circumstances surrounding this whole issue are quite tragic. The committee report was handed down this week. SafeWork will be going through the report and will be giving me a full briefing, and will then make a determination on where we will go from there. This government takes very seriously workplace bullying, so you can be assured that appropriate action will be taken.

LOCAL GOVERNMENT ACHIEVEMENTS

The Hon. CARMEL ZOLLO (14:49): My question is to the Minister for State/Local Government Relations. Will the minister please provide an outline to the chamber on the achievements in the local government sector throughout 2012?

The Hon. R.P. WORTLEY (Minister for Industrial Relations, Minister for State/Local Government Relations) (14:49): I thank the honourable member for her ongoing interest in local government affairs and for her question. Since my appointment as Minister for State/Local Government Relations, it has been my privilege to attend many of the local government bodies throughout South Australia and meet some wonderful people. During my tenure I have made approximately 47 visits to individual councils as well as attending a range of local government regional meetings and other local government related seminars and functions.

This year alone I made it to 28 individual council meetings as well as eight other local government meetings. I have enjoyed meeting the elected members and staff of the local government family and learning firsthand about the issues facing individual communities and regions. There are many benefits to both state and local government in having a Minister for State/Local Government Relations taking an active interest in the local area and regions. My visits have brought home to me the challenges and issues that local communities face and overcome, such as the severe storm damage that required a substantial drawdown on the Local Government Disaster Fund. This has resulted in a review of the structure of the fund.

My visits to local government regional associations have resulted in funding being made available for regional planning days. The first of these were held by the Murray Mallee LGA on 9 November 2012. My growing awareness of the challenges facing small regional communities led to an initiative whereby we have made funding available to assist these councils in training and ensuring that they are able to meet their legislative requirements. In turn, I have encouraged local government to align their planning to the matters identified in the state government's seven strategic priorities to more closely coordinate the two spheres of government.

During my term of office, the Andamooka community has formed the Andamooka Town Management Committee, and a system of community contributions has been established to fund the future development of the township. The supplementary funding component of the federal assistance grants has been extended. Unique to South Australia, the supplementary local road funding was extended to 2013-14 and will provide approximately $50.9 million to South Australia over this time.

On 17 May 2012 the Premier and the President of the LGA executed the new State/Local Government Relations Agreement. A schedule of priorities for the 2012-13 financial year was prepared to accompany the new agreement. The schedule focuses on South Australia's seven strategic priorities, local government governance and constitutional recognition of local government. Reflecting on my travels throughout regional South Australia, I often ponder how once upon a time the opposite side of this chamber was a bastion of country representation, and what a shame it is now that most of these members now reside in the leafy eastern suburbs or picturesque Adelaide Hills.

I look forward to continuing meeting with representatives from the local government sector into 2013 and ensuring that we work together in facing the challenges and issues that confront local communities. I note that the Hon. Mr Ridgway has mentioned that he had an odyssey throughout the outback. I have asked whether they had seen the Hon. Mr Ridgway and I must say that nobody has indicated to me that they have actually seen the Hon. Mr Ridgway on his travels. They have given me an undertaking that they will look out for him. They mentioned *Where's Wally?* Now it is going to be 'Where's Widgway?' throughout the outback.

I would like to reassure the members that what I am saying in my contribution here today is accurate, and I will outline the dates to reassure those opposite that the country and the regions are being looked after under a Labor government. On 25 October 2011, I met with the Adelaide City Council; the Adelaide Hills Council on 24 April 2012; the Alexandrina Council on 19 August 2011 and 4 October 2011; and Andamooka on 8 December 2011 and 20 March 2012.

I also met with The Barossa Council on 21 February 2012; The City of Burnside on 9 August 2011; the Campbelltown City Council on 6 December 2011; the District Council of Ceduna on 2 November 2011; the City of Charles Sturt on 10 April 2012; the Clare & Gilbert Valleys Council on 12 January 2012; the District Council of Coober Pedy on 21 March 2012; The

Flinders Ranges Council on 22 July 2012; the District Council of Grant on 24 July 2012; and the City of Holdfast Bay on 22 May 2012.

I met with the Kangaroo Island Council on 4 November 2011; the Kingston District Council on 23 July 2012; the Light Regional Council on 11 January 2012; the City of Marion on 8 May 2012; the Mid Murray Council on 11 January 2012; the City of Mitcham on 20 September 2011; the District Council of Mount Barker on 6 August 2012; the City of Mount Gambier on 24 July 2012; The Rural City of Murray Bridge on 7 October 2011 and once again on 20 August 2012; and the Naracoorte Lucindale Council on 23 July 2012.

I met with the City of Norwood, Payneham & St Peter's on 7 November 2011; the City of Onkaparinga on 17 April 2012; the District Council of Orroroo Carrieton on 23 August 2011; the District Council of Peterborough on 23 August 2011 and 12 January 2012; the City of Playford on 28 August 2012; the City of Port Adelaide Enfield on 11 October 2011; the Port Augusta City Council on 22 August 2011; the Port Pirie Regional Council on 26 October 2011; and the City of Prospect on 29 September 2011, 1 May 2012 and 17 September 2012.

I met with the District Council of Robe on 23 July 2012; The Municipal Council of Roxby Downs on 8 December 2011; the City of Salisbury on 24 October 2011; the Tatiara District Council on 23 July 2012; the City of Tea Tree Gully on 14 August 2012; the City of Unley on 26 March 2012; the Corporation of the Town of Walkerville on 16 July 2012; the Wattle Range Council on 24 July 2012; the City of West Torrens on 13 December 2011; and the Corporation of the City of Whyalla on 1 November 2012.

In addition, I met with the Local Government Association state executive on 17 May, signing the local government agreement. I attended the Council Members Strategic Issues Residential Seminar on 8 June 2012. I met with the Flinders Shared Services Group (Flinders Ranges Council, District Council of Orroroo Carrieton, Mount Remarkable and Peterborough—there were five there at the time) on 27 July 2012. The Eastern Region Alliance meeting of mayors and CEOs was on 1 August 2012. The Murray Mallee LGA was on 3 August 2012, the Eyre Peninsula Local Government Association was on 14 September 2012 and the Local Government Association AGM was on 25 October 2012 and on 26 October 2012, where I had the luxury and the pleasure of presenting two awards. The recent Murray Mallee Regional Planning Day was on 9 November 2012.

Finally I need to mention that, if not for the recent bushfires, I would also have visited the following councils with the Local Government Grants Commission (some of which I had already visited): Port Lincoln, Lower Eyre Peninsula, Franklin Harbour, Cleve, Tumby Bay, Streaky Bay, Elliston, Kimba, and Wudinna. I would like to reassure the members that I will be there in February, so they can rest assured they will be well looked after.

LOCAL GOVERNMENT ACHIEVEMENTS

The Hon. D.W. RIDGWAY (Leader of the Opposition) (15:00): I have a supplementary question.

The PRESIDENT: The Leader of the Opposition has a supplementary question. Are you sure you want more of this?

The Hon. D.W. RIDGWAY: Why did the minister exclude his $49,000 overseas jaunt to France and England, looking at cemeteries, on this wonderful list of his achievements this year?

The PRESIDENT: That is not a supplementary arising from the answer.

LOCAL GOVERNMENT ACHIEVEMENTS

The Hon. K.J. MAHER (15:00): I have a supplementary question. Is the hardworking honourable minister planning to visit any councils next year? If so, might he outline and list the ones he is thinking of visiting?

The PRESIDENT: The Hon. Mr Brokenshire.

QANTAS

The Hon. R.L. BROKENSHIRE (15:00): I seek leave to make a brief explanation before asking the Minister for Tourism a question regarding tourism funding from Qantas.

Leave granted.

The Hon. R.L. BROKENSHIRE: I note with interest a report today stating that Qantas has dumped its 40-year partnership with the federal government's tourism body. I have since heard, before question time, that Qantas has clarified that it has suspended the partnership, not abandoned it. Still, I note with great interest that Qantas now wants to engage with state-based tourism bodies rather than with the federal body.

Qantas has cited a conflict of interest between the federal body's chief (its former CEO) and itself as the reason for dropping the $50 million marketing deal. One of the objections Qantas cited in the article is the allegation that its former CEO was 'trying to stymie the Qantas deal with Middle East carrier Emirates Airlines'. I note that as of the start of this month Emirates began flying an Adelaide to Dubai route, with four flights a week. My questions are:

1. Was the minister aware of conflict with Tourism Australia that might have put at risk the Qantas-Emirates arrangements?

2. Does this dispute put at risk further expansion of Emirates flights into Adelaide?

3. Has, or will, the minister approach Qantas to open a dialogue about direct funding, or will the government take a 'wait and see' approach for this opportunity?

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) (15:02): I thank the honourable member for his important question. The answer to his last question is: not on your nelly! The first thing I did this morning was put through a call to encourage the SATC to immediately start a dialogue with Qantas, and I had a number of suggestions that they might want to begin to look at. I encouraged them to put forward others as well.

It was with great interest that I read in today's papers of the suspension of the Qantas sponsorship for Tourism Australia, a federal body. That was the first I was aware of any tension between the two, and I was quite surprised to read about it. I am sure that minister Martin Ferguson will be pursuing that in order to resolve those issues; I have not had a chance to discuss it with him yet, but I imagine that is what he would be doing. In the meantime, as I said, the first thing I did, as soon as I read that in the papers this morning, was ask the agency to commence a dialogue as soon as possible.

SNAPPER WORKING GROUP

The Hon. J.S.L. DAWKINS (15:04): I seek leave to make a brief explanation before asking the Minister for Agriculture, Food and Fisheries a question about the PIRSA Snapper Working Group.

Leave granted.

The Hon. J.S.L. DAWKINS: On 8 August 2012, the executive director of the fisheries and agriculture division of PIRSA wrote to the president of the Surveyed Charter Boat Association to advise that the membership of its representative on the PIRSA Snapper Working Group had been terminated. The reason behind this decision was essentially that the association representative discussed the proposals of the draft snapper management arrangements with licensed members of the association in order to ascertain what response he should give. The Snapper Working Group was established by PIRSA in 2011 to advise the department of options for the management of snapper in South Australia.

The membership of the working group was determined by nomination from stakeholders, and those nominees were intended to represent the views of their particular group or association. The changes to the snapper management arrangements have had a significant economic impact on charter boat operators, with booking cancellations due to the decrease in bag limits. On 14 November in this council the minister herself stated that the industry 'has a very important tourism value to this state'. My questions are:

1. Will the minister explain how it was expected that the representative of the Surveyed Charter Boat Association could form opinions and represent the members of his association if he was unable to discuss the proposals of the PIRSA Snapper Working Group with them?

2. Will the minister concede that the value of an industry working group can only be enhanced if the nominated representatives can provide sufficient information to their sector that allows for well-informed feedback to be provided?

3. What assurances can the minister give the owners and operators of charter boats who are facing significant economic impacts?

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) (15:06): I have spoken on this issue a number of times in this place. I don't want to waste this chamber's—

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

The Hon. G.E. GAGO: Just calm down! Let me finish; just calm down! A very excitable lot, Mr President. Towards the end of the year they are all very excited.

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

The PRESIDENT: The Hon. Mr Dawkins, you have asked the question.

The Hon. G.E. GAGO: If you would just be quiet and listen. I have spoken on the issue of changes to snapper arrangements a number of times in this chamber before, so therefore I won't need to go through all that detail again, but I premise my answer on those responses that I have given previously without having to go into them again. The snapper review which was conducted and which the honourable member refers to included an extensive consultation process.

It did involve, as the honourable member mentioned, the snapper working party, which assisted in the development of management options and comprised expertise from PIRSA Fisheries managers, SARDI Fisheries scientists and also commercial, recreational and charter sector peak bodies. The honourable member will be interested to know that I am, in fact, meeting with Mr Snedden today. He and some other charter boat operators have asked to see me and I will be doing that today.

The review also involved broad public consultation which was undertaken on the management options paper and background paper for a period of 10 weeks and which closed in January, and there were over 250 submissions. Of course, PIRSA also conducted additional targeted consultation with a number of different bodies, particularly peak bodies, again representing commercial, recreational and charter fishers, as well as tourism authorities and regional organisations such as local councils. So the consultation was extensive.

There are a number of different stakeholder interest groups and they have a wide range of different views, not only within each of those different interest groups—they are not homogeneous bodies—so there is a range of different points of view within each of those areas and across those areas of interest. There are also areas of direct conflict of interest.

What PIRSA has tried to do and what I have tried to do is weigh up and balance all of those interests. I have gone through the issue of the problem with the sustainability of the snapper species, how important snapper is as a species both commercially, also in terms of our recreational fishers and also charter operators in terms of tourism and the importance of snapper to them.

But we have had to weigh up all those interests and try to design a path of best long-term interest for all of those bodies. All I can say to the honourable member and those other interested parties is: if we wipe out the snapper species altogether, or deplete it to the extent that it is no longer sustainable or viable as a commercial fishery, then everyone loses out.

The charter boat operators won't just be worried about a 15-day restriction that this current extension has offered them, where we have halved their boat limit for an extended period of 15 days as a compromise for this holiday season. If we don't put these measures in place, we are likely to wipe out this species, or significantly damage it to the extend that it is no longer viable at all. The businesses of these operators will be non-viable in the long term as well.

So, it is in everyone's interests. I know that these measures are having an impact, but we tried to share that impact across all of the different interest groups and share the burden, so to speak, share the responsibility so that we can share in the benefits of a long-term sustainable snapper fishery.

The PRESIDENT: Supplementary question: the Hon. Mr Dawkins.

SNAPPER WORKING GROUP

The Hon. J.S.L. DAWKINS (15:11): Why was the representative of the Surveyed Charter Boat Operators Association not informed directly of his working party membership being terminated?

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for Tourism, Minister for the Status of Women) (15:11): I am not aware of that; I would need to check that out. I am happy to check that out. But, as I said, the consultation that was undertaken for this has gone on for a year or more. It has been extensive and intensive, right across the sector. What happens is that people at the end of the process don't like the outcome, so therefore they blame the process. This process has been extensive: it has gone on for a year or more, and it has had involvement right across the whole sector. So, really, it has been a comprehensive consultation exercise.

SNAPPER WORKING GROUP

The Hon. J.S.L. DAWKINS (15:12): Further supplementary: given that many charter boat operators have expressed concern that the individual impacts they are facing could be between $40,000 and $50,000 in the month of December—

The PRESIDENT: What's the question?

The Hon. J.S.L. DAWKINS: —due to the decreased charter boat bag limits, what compensation packages have been considered by the government for these tourism operators, if any?

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for Tourism, Minister for the Status of Women) (15:13): These operators make their business by taking fish from the sea; that is how they make their business. Their compensation—

Members interjecting:

The Hon. G.E. GAGO: That's their business.

The Hon. J.S.L. Dawkins: You said they have 'a very important tourism value to the state'. You are on the *Hansard* as saying that!

The PRESIDENT: Order!

The Hon. G.E. GAGO: That's what the basis of their business is. Tourism is a very important economic driver to this state, so are our commercial fishers and so are our rec fishers; they also make an important contribution. All of the interest groups at stake here that are affected by this make a very important—

The Hon. J.S.L. Dawkins: Yes, but you treat them like imbeciles.

The Hon. G.E. GAGO: Well, that's absolute nonsense! That is outrageous, Mr President. That is absolutely outrageous. This has been an extensive and intensive process that has gone on for over a year or more, that has involved—

The Hon. J.S.L. Dawkins: And when a bloke does his job properly, you sack him and don't tell him directly!

The Hon. G.E. GAGO: Well, I don't accept the premise of what the honourable member is saying. I have said I would check that out, but I don't accept what he is saying at all. What I do know—

The Hon. J.S.L. Dawkins: Don't you? I think you'd better be careful.

The Hon. G.E. GAGO: Well, I have said I would check it; I have said I would check it out, but I don't accept your assertions at this point in time. But what I can absolutely guarantee you of is that this has been an extensive process. These are businesses that make their living out of taking fish from the sea. If the fish stock—this is 'duh head' stuff—they make their livelihood from becomes obsolete—if it is wiped out—these businesses will no longer have a snapper fishing business. So, their compensation is to make a contribution to the long-term sustainability and to invest in the future of their business by ensuring that the fishing undertaken is at sustainable levels.

SNAPPER WORKING GROUP

The Hon. J.S.L. DAWKINS (15:15): I have a further supplementary question. Will the minister concede that, in the consultation she talks about, the value of an industry working group can be enhanced only if the nominated representatives can provide sufficient information to their sector that allows for well-informed feedback to be provided to that consultation process?

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 have already answered the question extensively. I have already said that this has been an extensive and intensive consultation process involving all sectors. It has gone on for a very long period of time. It has delivered an outcome that some people do not like, and now they want to criticise the process.

VOLUNTEERING

The Hon. K.J. MAHER (15:16): My question is to the Minister for Volunteers. Will the minister provide an update on the state of volunteering in South Australia?

The PRESIDENT: The Minister for Volunteers.

The Hon. I.K. HUNTER (Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (15:16): Thank you, Mr President.

Members interjecting:

The PRESIDENT: Order! The minister has the call.

The Hon. I.K. HUNTER: Thank you, Mr President; thank you for your protection at this rowdy hour.

The PRESIDENT: No; you don't need my protection.

The Hon. I.K. HUNTER: I thank the honourable member for his most important question. I also congratulate him on his ongoing interest in all things volunteering. It has been a fantastic year for volunteering in our state. Most importantly, I am pleased to announce that the most recent research undertaken into volunteering in South Australia shows that some 71 per cent of our population volunteers their time in some way, either formally or informally.

The Hon. A. Bressington interjecting:

The Hon. I.K. HUNTER: Well, that's just not so, Ms Bressington. Volunteering is a very important facet in people's life. All of us, I imagine, volunteer our time at different times in our life, and it is vitally important to our community. We should not underestimate how important it is to the health of our community.

The Hon. A. Bressington: Absolutely not.

The Hon. I.K. HUNTER: Mr President, the Hon. Ms Bressington seems to be downplaying the role of volunteering in our society. I invite her to come out with me—

The Hon. A. Bressington interjecting:

The Hon. I.K. HUNTER: Your dismissive attitude, Ms Bressington, really depresses me. Volunteering is one of the very important ways that social inclusion—

The Hon. A. Bressington interjecting:

The Hon. I.K. HUNTER: Volunteer firefighters are very important. I was out with them only two weeks ago—out in Port Lincoln at the fire near Tulka—and I can tell the Hon. Ms Bressington how much they value their volunteering to their state and their community. They get an incredible amount of value by putting back into society.

The Hon. A. Bressington: Including their right to medical treatment?

The Hon. I.K. HUNTER: The Hon. Ms Bressington and others are now chiming in, deriding the role these people play in our community, and I reject that—I reject it outright.

The Hon. A. Bressington interjecting:

The PRESIDENT: The minister will answer the Hon. Mr Maher's question and ignore the Hon. Ann Bressington 's interjections, which are out of order.

The Hon. I.K. HUNTER: I will do my very best, sir. I have just reported to the chamber that current research shows that volunteering in our state is up to 71 per cent. Similar research conducted by the same body, I understand, in 2006 found that 51 per cent of the population volunteered some of their time. Even 11 years ago, in about 1995, research found that only 28 per cent of the population volunteered their time.

As you can see, sir, volunteering contributions have climbed significantly over the past decade or so. Whilst I would not claim that the government has been totally responsible for that, certainly our recognition and support of volunteering through policy-making has aided that climb in volunteering. I have to say that the outstanding non-government organisations in our community, which are making it easier for people to volunteer, must take a great deal of that credit. One such body is Volunteering SA/NT.

Recently, I visited the Volunteering SA/NT annual general meeting to celebrate 30 years of its operation in Australia. It was 30 years ago when Mavis Reynolds and Joy Noble started the Volunteer Centre of South Australia. They were trailblazers for our community. They recognised the benefits that volunteering brings to individuals and society in general, even if the Hon. Ms Bressington does not. They were driven by their shared beliefs and their own experiences in volunteering.

Last year, Volunteering SA stood with the Premier to re-sign our partnership with the volunteer community—the Advancing the Community Together partnership. Volunteering SA's continued leadership in the sector, promotion and advancement of volunteering and provision of an extensive range of services, support and resources for volunteers and volunteer organisations are truly commendable and has helped our state meet that 71 per cent target.

Another body which has supported volunteers and which is also celebrating 30 years of volunteering is our Adelaide Zoo. Volunteering at Adelaide Zoo began in 1982 with just six volunteers; and these days across the three Zoos SA sites of Adelaide, Monarto Zoo and the Warrawong Wildlife Sanctuary, there are around 500 active volunteers.

Volunteers are a crucial part of Zoos SA and perform a variety of duties, ranging from guiding visitors, providing information, fundraising, collecting data for research and preparing food for the animals. There are some other aspects of volunteering done at the Zoo which might not be for the fainthearted but, if any members have an interest in wielding a scalpel, one can also volunteer to dissect corpses and add to the scientific information that the zoos provide for our state—animal corpses, I hasten to say, sir.

In addition, they assist with promotional events. They develop activities for the animals and contribute to the Kids Club and the youth program. Not only do the volunteers need to know about the Zoo, its animals and where everything is located, they also need to know about the Royal Zoological Society and conservation issues.

None of this, however, would have been possible if it was not for the preparation the Adelaide Zoo provides each volunteer, which is rapidly becoming known as best practice in the sector. Prior to commencing their roles, Zoos SA volunteers undertake extensive training in one of the 17 programs offered across the three sites. Zoos SA is universally recognised as an organisation that supports and appreciates its volunteers, demonstrating its appreciation for the hard work of volunteers through 'active service' awards and other celebrations.

It is organisations like Volunteering SA and Zoos SA which have helped us get where we are today in the volunteering sector—71 per cent of the population, more than 830,000 volunteers, all contributing (if you are an economist) over 1.41 million volunteer hours per week, and this is worth about $5 billion a year to the state economy. Volunteering is alive and well in South Australia, and, together with the leaders in the non-government sector, I will be looking at ways to continue this success in coming years.

ANSWERS TO QUESTIONS

MENTAL ILLNESS AND INTELLECTUAL DISABILITY TREATMENT

In reply to the **Hon. K.L. VINCENT** (27 July 2011) (First Session).

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

1. Mental health care is available to all members of the community, including those with an intellectual disability on an as needed basis. Where a person has both an intellectual disability and mental health issues, Mental Health staff work collaboratively with Disability Services staff.

2. Psychiatry trainees spend a minimum of five years training to become psychiatrists. The training requirements are set by the Royal Australian and New Zealand College of Psychiatrists and involve working in a range of accredited posts, including general adult, child and adolescent and various sub-specialties.

3. The needs of all consumers of mental health services are assessed in order to provide services to match their particular needs and develop an appropriate care plan. This care plan guides service delivery and is reviewed regularly. Where possible, significant others are included in assessment and planning.

In addition, mental health services collaborate with other agencies or treatment providers who may be involved with an individual's care, such as general practitioners, Disability Services and non-government agencies.

Consumers and carers are provided with information about their rights, which includes a range of internal and external avenues to address any concerns.

The establishment of the Community Visitor Scheme, as part of the statutory framework of the *Mental Health Act 2009*, further protects the rights of all people with mental health issues who are admitted to treatment centres in South Australia. The Community Visitors visit treatment centres and other incorporated or private hospitals to inspect premises and consult with consumers, staff and relevant others to ensure that people with serious mental illness are receiving appropriate care and treatment.

Disability Services participates in case reviews and planning meetings arranged by staff in treatment centres and incorporated and private hospitals in their role of supporting the person with an intellectual disability.

4. People with an intellectual disability and their carers can discuss accessing mental health services with their treating team or general practitioner and information is available at all mental health service sites. Information on how to access mental health services is also available on the SA Health website at www.sahealth.sa.gov.au. For mental health emergencies, the Mental Health Triage Service can be contacted on telephone 13 14 65.

Mental health is one of the issues explored by Disability Services when conducting a needs assessment or person-centred plan/lifestyle review. In developing a response to identified issues, Disability Services discusses with the client and their family or carer what options are available to address the issue and what actions will be taken.

Disability Services also has information sheets about intellectual disability and mental health (Intellectual Disability and Mental Health, Intellectual Disability and Schizophrenia, Intellectual Disability and Anxiety Disorders). These information sheets provide details about the mental health condition (for example, recognising the issue and causes of the condition). They also provide details as to where help can be obtained and resources that might be available to support the person with an intellectual disability and/or their family or carer.

Information sheets are available from the government website at www.sa.gov.au/subject/community+support/disability (under A-Z of disability information sheets and publications section) and are provided to clients where appropriate.

When indicated, Disability Services advises clients and their families or carers that support is available through Medicare. This information is provided both verbally or through the *Medicare: getting the most out of it* information sheet.

5. Disability Services funds three part-time psychiatrists who provide support to people with both intellectual disability and mental health issues at the Centre for Disability Health. Mental Health Services funds one part-time psychiatrist to work with Disability Services clients aged 8-21 years who have dual disability.

REMOTE AREAS ENERGY SUPPLIES SCHEME

In reply to the **Hon. D.W. RIDGWAY (Leader of the Opposition)** (24 November 2011) (First Session).

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for Tourism, Minister for the Status of Women): The Minister for Mineral Resources and Energy is advised:

1. Yes, the Minister for Energy has read the KPMG report.

2. The government is still considering ways in which connection of Andamooka to the Grid can be feasible. Andamooka is a member of the RAES program and are receiving a significant subsidy from the State Government to ensure a reliable energy supply.

MATTERS OF INTEREST

COLLINS, MR R.

The Hon. G.A. KANDELAARS (15:22): Thank you, Mr President—

The Hon. R.I. Lucas interjecting:

The PRESIDENT: Order!

The Hon. G.A. KANDELAARS: I wish to talk about my mother-in-law's brother Ronald 'Dink' Collins who passed away peacefully on 12 November and who was one of the famous Rats of Tobruk. Ronald 'Dink' Collins was born in Ambleside (now Hahndorf) on 28 January 1919. He was the seventh of what became 11 children, having six brothers and four sisters to Florence and Arthur Collins. Ron's nickname came about through the mispronunciation of the word 'stinky' as a young child while talking to the local stationmaster. Ron's new nickname, Dink, was quickly taken up by the Gulnare community, which stayed with him throughout his school, working and Army years.

Dink attended the Gulnare Primary School, starting in 1924, and went through to year 8. He was described by his teachers as a 'determined little devil'. After leaving school, Dink worked as a farm labourer around the district. It was hard work, paying five bob a week. He gave his wages to his mum and she would give him sixpence 'for Saturday', and he had to bank the rest.

One Sunday night, sitting around the wireless with some mates they heard the news that World War II had been declared. The next morning they headed to Adelaide to enlist in the Air Force. Dink was rejected and told to come back later, but instead he went around the corner to the Army recruiting officer and was accepted immediately, enlisting on 29 June 1940. He was given three days to go home, pack his stuff and return for training.

Dink trained at Woodside with the 2/48th Battalion and left with it from Port Adelaide on 18 November 1940 on the *Stratheden*. They disembarked at El Kantara, between Egypt and Syria, on 17 December. Dink became part of A Company, which fled to Tobruk, arriving at 4.45am on 10 April 1941, the day before the battle to defend Tobruk began.

It was during this battle that the Germans first referred to the diggers as 'rats living in holes', an epithet the Aussies proudly adopted as their own, naming themselves the Rats of Tobruk. They were told they would be there for two months and then be relieved. Those two months turned into 242 days, with 258 air raids during that time. During one such raid, Dink received a cracked pelvis and shell blast concussion. Sadly, two of his mates died in that incident.

I recall Dink talking about his time in the British military hospital in Cairo. (The Australian hospital was full at the time.) One day Dink and some of his mates received an invitation to a British officer's wife's tea party. The hospital matron put them on the tram to go the tea party, but the boys thought better of it and set off to explore some of Cairo. After a great day in Cairo, Dink and his mates returned that evening, only to be met by the matron and placed under armed guard.

As well as Tobruk, Dink also served in El Alamein, New Guinea and Tarakan. Dink was discharged on 10 October 1945. He was one of only 28 who served the full period of the war with the 2nd/48th Battalion. He received many medals, including the Polish Cross. Dink over the years enjoyed meeting with the remaining Rats for a reunion at the Woodside barracks. Sadly though, through lack of numbers, this no longer occurs.

After the war, Dink joined the PMG's department at Spalding and moved to Port Augusta, and finished his time at work at Streaky Bay, where he was the line inspector and his area went from Elliston across to the WA border. In 1987 he married Avis and they lived at Gulnare for three years before they moved to Whyalla. In January this year, sadly, Dink was diagnosed with bowel cancer; unfortunately it had spread throughout his body. My thoughts remain with Dink's wife Avis and the extended Collins family. Lest we forget.

TOURISM COMMISSION

The Hon. D.W. RIDGWAY (Leader of the Opposition) (15:27): Yesterday the Minister for Tourism released and tabled the annual report of the South Australian Tourism Commission. It is my honour this afternoon to present the annual report into the South Australian tourism minister. The 2011-12 financial year has been a difficult one for the minister. The minister has met these formidable challenges with an indomitable resolve that has been matched, even exceeded, only by the minister's capacity for dismal failure.

The warning signs were there in 2011. Even then, the minister failed to reach the State Strategic Plan's growth targets for tourism expenditure. The failure continued as the year progressed. In 2012 the State Strategic Plan's progress report found the minister likely to fail to reach her target of $6.3 billion in the industry by 2014, the election year.

To achieve the 2014 milestone, the minister needs to grow tourism by 10 per cent each year. Last year it grew by 5.3 per cent. It grew by just over half the amount needed. How does the minister excuse such ineptitude? Her commission calls this failure 'a positive performance towards the State's Strategic Plan 2020 targets'.

A positive performance? She gets half marks and rates herself a positive performer. She is happy with half marks and she is a long time loser. The audit committee rates her chances of achieving the State's Strategic Plan 2020 target as unlikely. The minister calls her failure to run a high-profile, easily accessible visitor information centre in the heart of the central business district a success. Our 2011-12 annual report into the minister's performance calls this failure a failure.

When the minister sacked the Tourism Commission's chief executive she replaced him with a part-timer. The minister calls this sacking 'an appointment', and an appointment of an interim chief executive not just an achievement, but a 'key achievement'. Well, if that is the key, show us the lock. In her other achievements for the year the minister claims that the annual Christmas parade through Adelaide is a major tourism event. Event it is, but the only international visitor I saw at the pageant came on a sleigh.

She is away with the birds. In fact, what benefit did South Australia receive from the commission's trip to the London Wild Bird Watch Consumer Show? Our ministerial representative, at taxpayers' expense, flew to London on a $6,100 trip to be able, according to the meeting organisers, to try on and try out footwear, clothing, gadgets, accessories and equipment that is under-represented or just simply not available on the average high street.

That is vitally important; that is how she spends our money. The London Wild Bird Watch aims to create 'a unique blend of shop, learn and do for people who enjoy feeding the birds in their garden'. Under this minister, we are in cuckoo land. I note with great disappointment that the minister's commission is not planning a similar birdwatching event in South Australia, despite the valuable lessons learnt by Ms Gago's representative at the London show.

Next, the minister's commission sent a staffer to the UK, USA, Germany and Singapore for an unknown time to conduct an internal audit of international offices and review the accounts payable procedure. Let me say that again: to review the accounts payable procedure, someone was sent to the UK, USA, Germany and Singapore. Here is how you run an accounts payable procedure: you get an account, you pay it—end of procedure.

How much did this trip cost taxpayers? It cost $11,500. Meanwhile, we have a part-time boss of a $5 billion-a-year industry, we have a complete debacle over Tasting Australia, a demoralised Tourism Commission with no confidence in its minister; we are missing tourism targets, our operators are screaming for more visitors, our visitors cannot find the visitor information centre, and we are sending commission staff to go birdwatching in London.

South Australian schoolkids are now getting their annual reports. The annual report card of the minister's performance this year marks her an 'F'—fail. But, we do not want her to repeat the year. We do not want her as tourism minister in 2013, the industry does not want her, and tourism operators do not want her. Houseboat companies, hire car operators, B&Bs, wineries, the food

sector, the hotel industry, tourism guides, and fishing boat charter companies all say, 'If your best is a fail, please don't fail to leave.'

SPECIAL OLYMPICS

The Hon. CARMEL ZOLLO (15:32): I was pleased to represent the minister, the Hon. Ian Hunter, at the Special Olympics South Australia's annual sports lunch held on Friday 19 October at the Adelaide Pavilion function room. The special guest for the lunch was swimming identity Laurie Lawrence. It is important that we celebrate the role that Special Olympics SA undertakes in our community.

The organisation is the peak body for those athletes living with an intellectual disability in South Australia. It is not to be confused with the Paralympics, which is an organisation primarily for elite athletes with a physical disability. The Special Olympics movement is instead focused on encouraging participation in sport by those living with an intellectual disability across all ages and skill levels. In South Australia, the patron for SOSA is His Excellency Rear Admiral Kevin Scarce AO, Governor of South Australia.

Special Olympics was founded in the United States in 1967 by Eunice Shriver, the sister of the late US President John F. Kennedy. Since those early days, it has expanded into a truly international movement, with over 3.5 million athletes across 170 countries competing in 32 different sports. In South Australia, athletes have the opportunity to participate in 14 sports, some of which include basketball, swimming, soccer, tenpin bowling, tennis, athletics, cricket and golf. Training usually takes place once a week for the hundreds of local, state, national and international events that take place each year.

I am pleased that the South Australian government is a strong supporter of the work of the SA Special Olympics organisation. It provides a number of grants to assist the organisation with its administrative costs, as well as grants to assist athletes with the costs of attending national and international events.

During the lunch I had the pleasure of speaking with Special Olympics basketballer, Lachlan Woollett, who gave a truly inspiring speech showing what can be achieved through much hard work and determination. Lachlan has represented both South Australia and Australia in basketball at a number of national and international events. These include the 2005 New Zealand Invitational National Games, the 2006 Special Olympics National Games on the Gold Coast, the 2007 World Games in Shanghai, as well as the 2010 National Games here in Adelaide.

He has not limited his achievements to the sporting arena, working just as hard off the court as on it. Lachlan is a member of the Athletes Leadership Program, which is designed to assist Special Olympics athletes build confidence by encouraging them to undertake public speaking engagements and to assist at events. Lachlan, along with Roger Rasheed, were MCs for the lunch. He has also taken part in numerous mentoring and coaching courses and is the athlete representative on the Special Olympics Adelaide Regional Board.

As I have previously mentioned, the keynote speaker for the lunch was swimming identity, Lawrie Lawrence, who as many here would know was one of Australia's leading swimming coaches. During his long career, Lawrie assisted the likes of Duncan Armstrong and Tracey Wickham to Olympic success. He certainly was an inspirational speaker on the day. He paid tribute to Lachlan Woollett as well as putting into perspective the incredible mental discipline it takes for our Olympians to continue when they are beaten by an eighth of a second.

I conclude my remarks by thanking all those who have supported this wonderful organisation throughout the years, whether they be sponsors or volunteers. Without their support, the work that the Special Olympics undertakes in providing those who are living with an intellectual disability the means to participate in sport and the community more generally just would not be possible. I believe that it is vitally important that organisations like the Special Olympics continue to be supported, as they truly empower those living with disabilities to reach their full potential.

INTERNATIONAL SURVIVORS OF SUICIDE DAY

The Hon. J.S.L. DAWKINS (15:37): I rise to speak today about International Survivors of Suicide Day which was held on 17 November and also to pay some tribute and coverage to events that were held on and around that day that I was able to participate in. Firstly, on Friday 16 November, the Salvation Army Hope for Life Suicide Prevention and Bereavement Support organisation hosted the South Australia Lifekeeper Memory Quilt launch and an

associated healing and remembrance ceremony at the Salvation Army Adelaide Congress Hall in Pirie Street.

The quilt launch and the ceremony were facilitated by Ms Jill Chapman who is the chairperson and founder of Minimisation of Suicide Harm (MOSH) Australia. We were also pleased that envoy Alan Staines who is the Director of Salvation Army Suicide Prevention and Bereavement Support service was involved, and I acknowledge that the member for Port Adelaide in another place, Dr Susan Close, represented the Minister for Health and Ageing. Also, the Salvation Army Territorial Commander Commissioner Raymond Finger was involved in the ceremony.

It was a very moving ceremony. There were some presentations from bereaved families throughout the quilt launch. The quilt features the photographs of 30 South Australians who have committed suicide. It was particularly moving in relation to some families who had two immediate members of their family whose pictures were on the quilt. There was one occasion where a woman whose father and brother were featured on the quilt and then there was another lady whose two sons' photographs were part of that quilt. I think it made those of us who were there reflect on the impact of suicide on the community. The healing and remembrance ceremony featured what is called a four-candle ritual, where family members are invited to light a candle and mention their friend or loved one's name if they chose, and the people who were there participated in that significantly.

On Saturday 17 November, I was involved in an opportunity for many people who had been bereaved through suicide to meet and talk about the impact of those events. This was held at Woodville Park and was conducted by MOSH Australia. It featured a well-produced DVD which came out of the United States around the issues that are part of the reason we commemorate International Survivors of Suicide Day. I appreciated the opportunity to be involved.

Last Saturday, I was pleased to participate in an extension of Lifting the Mask, a suicide prevention and information forum, which followed one that was run by the City of Playford and the Rotary Club of Elizabeth earlier this year. The follow-up sessions held last Friday and Saturday were very worthwhile. I am very pleased that as a result of that work there will be a support group for families in the northern suburbs and nearby areas who have been bereaved through suicide. In conclusion, I am very pleased to say that the Liberal Party in South Australia is the first party I am aware of to create a portfolio for suicide prevention.

SHOP LOCAL

The Hon. J.A. DARLEY (15:42): The news today is filled with doom and gloom. The manufacturing industry in South Australia is in decline, with hundreds of people losing their jobs, seemingly on a weekly basis. Last week, about 100 jobs were lost at Carter Holt Harvey; 170 jobs were lost at Holden at the beginning of November; and BHP's scale-back of the Olympic Dam expansion also sees a reduction in the number of job opportunities. The housing industry is struggling and retail sales are sluggish, even leading up to what is, for them, traditionally the busiest time of the year.

During this festive season, I think it is important to advocate for people to make a small change which could make a big difference for many, that is, to shop locally. Recently, especially with the emergence of the warmer weather and daylight saving, there has been an upsurge of local community markets. Whilst there are some markets which run throughout the year, such as those at Gillies Street, Hahndorf, Semaphore, Wayville and Norwood, spring sees many other markets all across the state come out of hibernation. There are African night markets at Prospect, twilight markets at Campbelltown and Adelaide, Christmas markets at Morphett Vale and the Bowerbird Bazaar, just to name a few, and there are many more one-off pop-up markets.

Markets provide an opportunity for people to sell their produce directly to the public. Traditionally, fresh food was the staple product at markets, but we now see everything from original artwork to vintage clothing and handmade handbags. Every stallholder has taken a chance and spent their time and money to start up their own mini business. For some, this is a hobby, but for others it is their livelihood and a chance to showcase their skills through the goods they produce. Materials are often sourced locally, which provides further opportunities for other local businesses.

With such a broad range of products available, it would not be difficult to find a locally made product to suit just about anybody. I am mindful that handcrafted goods are not to everyone's taste. With a growing culture of individualism, there has been an increase in local boutique specialty stores. These specialty stores provide a point of difference to multinational chain stores,

as they provide an intimate shopping experience for specific products. Again, these small stores represent an individual's determination to overcome the obstacles of starting their own business.

Business owners often work seven days a week with only a few days' rest per year. From shops that sell only comic books to specialty single-origin coffee, customers of these stores can be confident when shopping, as they know that more often than not the owner of the business has a passion for the industry and is an expert on their product.

These stores also enable customers to find something unique and individual to better reflect their personality. I know that there are many out there who like to keep up with the latest trends. These trends are usually carried by the larger multinational and international chain stores, that provide excellent employment opportunities for thousands of South Australians.

It is all too easy these days to get carried away with some of the fantastic deals that can be found online; however, most will find that, given the chance, bricks and mortar retail stores are more than willing to compete with their online competitors. We should all be making our best efforts to support these businesses and to ensure that the local retail economy is strengthened, in order to maintain local employment. The festive season provides us with the perfect opportunity to be able to do our bit and support local business, no matter how large or small.

KPMG CELEBRATION OF SPORT

The Hon. T.J. STEPHENS (15:46): Last Friday night I attended the KPMG Celebration of Sport at the Entertainment Centre, a gala event to recognise South Australia's sporting high achievers. The night would not have been possible without the fantastic work done by Sport SA, as well as support from those in the corporate media worlds—KPMG, Channel 7 and *The Advertiser* in particular. It was fantastic to see 500 people in attendance at this year's event.

Some of those included His Excellency the Governor and Mrs Scarce, the honourable Leader of the Opposition from the other place, Isobel Redmond, the Hon. Tom Kenyon, the Hon. Michael Wright, Mr Rob Gerard and Mrs Fay Gerard, and councillor Vincent Tarzia from the City of Norwood, Payneham and St Peter's (the recently preselected Liberal candidate for Hartley).

I want to mention some of the award winners, and will start with the South Australian Sport Hall of Fame inductees for 2012. There was former Australian women's basketballer Rachel Sporn, who had a magnificent career with the national team and with Adelaide Lightning, winning three Olympic medals, and there was former Australian soccer player Alex Tobin OAM, who holds a record number of international caps for Australia. He played 16 out of his 19 years in the National Soccer League at Adelaide City—a true legend. There was Neil Fuller OAM, a six time Paralympic gold medallist in sprinting, and quite an inspiration.

There was the great man Russell Ebert OAM from the Port Adelaide Magpies. As you know, Mr President, I am not a Port Adelaide Magpies fan, but I am certainly a fan of the great man Russell Ebert, and I would like to acknowledge the work he does with charity outside of football as well. There was also Charlie Walsh OAM, for his services in the coaching field, mainly with cycling. He was also a fitness coach with the Adelaide Crows for seven years under Neil Craig, but Charlie was certainly a legend in the cycling fraternity and turned that sport on its ear.

The Team of the Year was the South Australian Teams Pursuit team for cycling. Junior Sports Star of the Year was tennis player Luke Saville, who seems to be going from strength to strength. Elite Athlete of the Year with a Disability was the great man Matthew Cowdrey OAM, whose herculean efforts in the pool over the last three Paralympic Games are unrivalled. His haul includes 13 gold medals, and he has shown us all that having a disability is never a barrier to any great achievement. He is quite a popular man too, by all reports, as he also received the People's Choice Award.

The Sports Star of the Year was Anna Meares OAM of Olympic cycling fame. Ms Meares is a two-time Olympic medallist and currently the fastest female cyclist in the world, winning the sprint in London. I really enjoyed her interview, in particular, and can see what an incredibly determined person she is. It certainly makes me understand why she is a true champion. Finally, the event of the year was the 2012 World Tennis Challenge held in January. This is a great event, and I understand that next year's event will attract the likes of Martina Navratilova and Martina Hingis, amongst others, and should be another great event.

I really enjoyed the special presentation made by Rob Gerard, and certainly his hard work and efforts over the last number of years, particularly with getting this award up and running, should be noted. He paid particular tribute to Margaret Ralston, who received this special award,

and it was Marg Ralston who is acknowledged as having done so much for women's sport in this state.

She is an incredibly effervescent character and certainly never takes a backward step, but does it with great humour, and she is incredibly persistent. For Rob Gerard to acknowledge that in the initial stages he was bullied by Margaret into getting involved was really quite a funny story and all done with good humour—but what an incredibly awesome pair they have become in regard to this particular award.

In conclusion, the KPMG Celebration of Sport is an event I look forward to attending every year, and I commend the efforts of all those who were involved in putting it together, in particular the board of Sport SA, its hardworking and very popular president, Mr John Dicker AM, and the very efficient and professional CEO, Miss Jan Sutherland.

ROXBY DOWNS INDENTURE

The Hon. M. PARNELL (15:51): I move:

That the instrument for the purposes of clause 5.2 of the variation deed in relation to the Roxby Downs (Indenture Ratification) (Amendment of Indenture) Amendment Act 2011, made on 12 November 2012 and laid on the table on 13 November 2012, be disallowed.

This motion is the only way that this parliament can further debate the desirability or otherwise of the government's decision to give BHP Billiton a four-year extension on making a final decision about whether or not to go ahead with the Olympic Dam expansion project.

The Olympic Dam expansion is clearly a critical project at so many levels. It is a project that has enormous social, environmental and economic consequences for this state, which is why the approach the Greens took all through 2011 leading up to the indenture bill debate has been to make sure that we gave the project the most thorough scrutiny and that we asked questions on the public record so that the public would know what was going on and, ultimately, we debated the contract that was signed between the company and the government.

In relation to this latest development—the extension that was granted—I would like to thank Paul Heithersay, the CEO of the department, and his team who came in and gave me a comprehensive briefing. What we know is that this variation deed increases the time period that BHP Billiton has to decide whether or not to go ahead with the expansion from the original 12 months to 58 months, and that is an increase of 46 months, or just shy of four years.

It is also worth noting that the indenture legislation now lines up with the development approval that was put in the *Government Gazette* following the environmental impact assessment process. The effect of this notice is that the bill that was passed by the parliament last year does not come into effect until BHP triggers the project or until it decides that it is not going to ahead at all, in which case, the previous legislation applies.

I asked the government representatives why a four-year extension was granted, and two main reasons were offered: the first was that BHP Billiton was exploring bringing in electric conveyor belts in the pit rather than trucks to carry the ore out and, secondly, that they were exploring the use of heap leaching. In relation to the conveyor belts, as members would appreciate, the rough back-of-envelope calculations were that the use of trucks in the pit was going to involve the movement of one million tonnes of rock per day using one million litres of diesel fuel per day at a taxpayer subsidy, given the diesel fuel rebate of $117 million per year. That subsidy was to apply for five or six years before a single cent in royalties was returned to the people of South Australia. So, conveyer belts, we are told, are now on the agenda.

In relation to heap leaching, it must be clear to all members that this is an entirely different way of processing ore to that which was explored in the EIS and in the indenture. In heap leaching, the ore will be laid out over hundreds of hectares in piles around 9 metres high. Sulphuric acid will then be poured over the top, and minerals leached out in the acidic soup that emerges at the bottom of the piles.

That is the plan, anyway. But, as the company readily admits, it is an unproven technique; they do not know whether it will work on the type of mixed ore body that exists at Olympic Dam. I understand trials are currently underway, and that those trials will take at least a year. I think we all saw pictures in the newspaper of large tubes of ore at Wingfield, I believe, with the test acid leaching being undertaken there.

I will come back to acid leaching, but another important question that I did ask in the briefing is whether this extension was a one-off extension, or whether BHP Billiton can come back again and again and ask for a further extension of time. The legal advisers for the government at the briefing said that they 'reckon' that, because of the way the indenture was drafted, this is a once-only extension and that it would preclude a second bite at the cherry. However, they also admitted that BHP Billiton was of a different view.

I am not sure what notes the Hon. Mr Maher has to respond to this motion, but I would hope that in his response he actually addresses that question: is this the only bite at the cherry? Is it possible, under the legislation passed by this parliament, for BHP Billiton to come back and ask for another extension—maybe another four years, maybe longer? Is it possible for them to do it under this legislation, and is it possible for the government to grant that request?

We need to ask ourselves about this, apart from those two practical reasons why the company said it was seeking an extension. Let us look at the history of this matter, and some of the comments of the various key players. In May this year, when speculation first began to mount that BHP Billiton was pulling back from the project, minister Koutsantonis said, 'I will not be granting an extension. I don't bluff.' In August, Premier Weatherill said, 'We don't believe there is a basis for an extension of the indenture agreement.' And Treasurer Snelling said, 'I think the state would be very, very reluctant to give them an extension.' These are the comments from the key players in government this year.

We also had some fascinating insights into the negotiations between the government and BHP Billiton from former treasurer, Kevin Foley, in his column in the *Sunday Mail*. I did not, in my wildest dreams, imagine that I would be channelling Kevin Foley so soon after his departure from the parliament, but I find myself in furious agreement with the former minister. Kevin Foley, in the *Sunday Mail* of 5 August—and I will just read a couple of sentences from his article—said:

> BHP Billiton must not be allowed to break its deal with South Australia...I want to share with you some of the behind-closed-door moments during our negotiations that help explain why I don't believe an extension should be granted to the one-year deadline for BHP to commit to the project.

Mr Foley then goes on to talk about the meetings, and says:

> One of the rare occasions that Mike—

meaning former premier, Mike Rann—

> asserted his authority over negotiations was when he insisted a specific clause be put in the agreement. He wanted a clause inserted that if BHP Billiton did not commit to the project within 12 months of the indenture law, then all bets were off and the indenture would lapse. To say BHP Billiton was taken aback, myself included, would be an understatement.

It is interesting the way he has worded that—as if he is part of BHP Billiton. Anyway, I will not correct his grammar. The article goes on:

> BHP Billiton came back with a five-year deadline. There was no way I was going back to Mike with anything other than the one year.
>
> He was absolutely correct to insist on this new clause. Both he and I had been working on this project for six years and had been through a few false starts.
>
> If the state was to deliver a law enshrining a huge amount of rights for BHP Billiton, in many cases for the 100-year-plus life of the project, then it was only fair that they start the expansion soon.

He concludes with the following:

> A deal is a deal, you break it at your own peril. Jay Weatherill and Isobel Redmond, it's time to stand firm against the enormous pressure BHP may bring to bear against our Parliament. As one who has been in the ring with them, you don't throw in the towel, you keep slugging away.

So, we have former minister Kevin Foley slugging away. The current Treasurer is apparently a bit of a slugger as well—we have seen pictures of him in the boxing ring. But when it comes to the slightest pressure from BHP Billiton, they have all gone entirely to water. BHP Billiton now has pretty much everything it wanted. They offered a five-year deadline—that is what they wanted—and now that is what they have. I should say that is a slight exaggeration on my part: they have 58 months, not 60 months, so they are two months shy of the five years they wanted. Whilst it is rare that Mr Foley and I agree, I think that he is dead right about this.

The state has enshrined an enormous number of special rights for BHP Billiton, many lasting over 100 years into the future, and that kind of agreement should not be open ended. Just to remind members, under the indenture—the old one and the new one—BHP Billiton is immune. It

is protected from the entire statute book of South Australia to the extent of any inconsistency with the agreement that it has struck with the executive government. Another interesting commentary on this is from Kevin Naughton, a journalist with the *InDaily* online newsletter. He wrote the following on 26 October:

> Hopes of a possible re-start to BHP's Olympic Dam expansion plans in the near future were dashed overnight when the company's boss pushed out the timeframe beyond the best-case scenarios.
>
> BHP [Billiton] pulled out of its estimated $30 billion expansion project in August this year, saying it would prefer to examine 'less capital intensive' options for the project.
>
> While that has been promoted locally as a 'deferral', the more sober view taken in the industry is that the 'big bang' economic transformation expected by the state is off the table.
>
> Paul Heithersay, CEO of the State Government's Olympic Dam Taskforce, has told several industry forums the project is 'deferred' and could very quickly come back onto the table. On that basis, the government has given an extension of time on the Indenture Agreement which had required works be started by mid-December this year. BHP CEO Marius Kloppers, however, has a long-term timeframe in mind.

Then a quote from Mr Kloppers follows:

> 'We've been very clear that on Olympic Dam we're not in a position to take any decisions for years,' Kloppers told reporters today in London. 'Time is needed to allow for the results of new leaching technologies that facilitate extraction of minerals from ore.' Financial analysts interpreted the briefing as an indication the Olympic Dam expansion was out of favour.

A number of economic analysts started using the word 'cancelled' rather than 'deferred', and a great deal of the business literature is using that word. As Kevin Naughton says in his article, the word 'cancelled' is very much different from the message that is being conveyed here in South Australia. So, that is what the commentators have said about this.

In more recent times, when the government had caved in to BHP Billiton and did table in this place the extension granting the extra time for BHP not to start but to agree to start, minister Koutsantonis has had a few things to say in the media, and I need to put those on the record because many of them are quite outrageous. In particular, I will mention an interview that Mr Koutsantonis gave to ABC radio with Matt and Dave. The first claim that he made was that this idea of heap leaching was covered in the EIS, and I will just give members some of the exchange. Bevan states:

> But if we're looking at a new technology, a new way of doing this, won't you need a new environmental impact statement?

The response from minister Koutsantonis:

> Well, no, because BHP has foreseen that in the next, you know, five to six to seven years they may have been switching to this new technique.

Abraham chimes in:

> Was that covered by the environmental impact statement?

The response:

> It was, yes.

That is the claim. What is the reality? The reality is that, in over 7,000 pages (if members remember, this was the biggest document ever produced in the history of South Australia) of the original EIS, the supplementary EIS and the government's response to the EIS, the only mention in all of those pages of heap leaching is the following:

> The feasibility of heap leaching in the lower grade ore at Olympic Dam is under investigation. At this early stage, recoveries of copper and uranium from heap leaching appear too low, but this option continues to be investigated.

Now, that is it. That is what it says, and it is in a section of the EIS which is entitled 'Optimisation Initiatives', and it says in that section, and this is important:

> No approval is sought to implement these initiatives at this stage.

There you have it. Tom Koutsantonis, the minister, is saying that heap leaching—this novel, unproven technique—is covered by the EIS, yet when you read the EIS clearly it is not. I do not know how the minister can make that claim. In fact, it is a ridiculous assertion, and I think that in making it he misled the people of South Australia.

What is also worrying about it is that, within that revelation, according to the minister it was always the intention of BHP Billiton to rapidly shift to a radically different process during the first decade of the expansion, yet the EIS was expressed to be a document that would last for 40 years. If that is the case, the company and the government have conspired to keep an essential element of this project hidden from the South Australian people.

Now, he cannot have it both ways: either they were not planning to use heap leaching, in which case he needs a new EIS if they do go down that path; or, if they were always planning to use it, then the EIS becomes a very, very long work of fiction. Of course, the EIS will need to be significantly amended in light of this new technology. In fact, the minister very soon was taken off the airwaves, the Premier came on and effectively admitted that point later in the day; and the need for a new EIS for that part of the project was reiterated at my briefing with Paul Heithersay's team.

The other thing, of course, is that this project is governed by both federal and state laws and so new approvals under the Environment Protection and Biodiversity Conservation Act would be required as well. Minister Tom Koutsantonis made a second claim—and in some ways this is my favourite—and, again, we will go back to the interview. Abraham asked:

> Do you think that's a good thing, Tom Koutsantonis?

He is talking about acid leaching—

> Has anybody looked at that? Is anyone worried about it?

And then the minister's response:

> Matthew, everyone driving to work and listening on this radio station has acid in their cars and their batteries. A lot of people have been using acid for a long time.

It is just remarkable to suggest that, because car batteries may contain acid, therefore pouring millions of litres of the stuff over piles of ore in the outback is somehow a comparable activity. It just beggars belief. The truth is that we do not know how safe it is. No-one has used it commercially for this type of ore, and we do not know what the impacts would be on the scale that would be required, and that is why you do an environment impact statement.

In fact, the only example of which I was aware of in situ copper leaching in South Australia was an old copper mine up near Copley. After they got four inches of rain, of course, it leaked like a sieve, and I have got the photos sent by a geologist. You have this green liquid running down Copley Creek. It went for about half a kilometre before it ended up in the local swimming hole. You have this copper acid solution in the local swimming hole—just remarkable. That is the only case I am aware of where acid leaching has been used in the heap method.

The third claim the minister made was that there had not been any safety incidents at Olympic Dam. Again, the minister said, 'BHP's been mining uranium in this state for 25 years.' Abraham interrupts, 'Right.' The minister continues:

> There have been no incidents. I don't think the state government and the EPA—

Bevan then interrupts, 'No incidents?' Abraham interrupts, 'That's not correct. The tailings dam was breached, was it not, or,' and then the minister says, 'Excuse me?' Abraham asks:

> You're saying there's been no environmental incidents involving BHP?

The minister replies:

> There's been no incidents that have caused any harm to anyone's safety.

Clearly, that is just wrong. All of us here are aware of the many incidents that have occurred at the Olympic Dam mine over the years. In fact, even those of us who do not follow these things closely can just do a quick Google search and find many reports of the accidents that have happened at the Olympic Dam mine.

For example, on 7 July 2011 an underground fire involved six people being affected by smoke. We also had another incident where there was a fire, I think, in a drilling machine and six workers were affected. If my memory serves me, I think there has been at least one death during that time.

We have also of course had the major shutdown caused by the skip that was filled with oil and fell down the primary Clark shaft. That caused another skip on a linked cable to fly up, which damaged the head frame, and that put the shaft out of action for some time. BHP Billiton put the

accident down to a failure of its computer braking system, and it was an absolute miracle that no-one was killed in that accident.

We also need to remember that there are still ongoing concerns about workers being exposed to airborne polonium 210. For those of us who follow international affairs, I think they have just dug up Yasser Arafat to have a look at whether polonium might have been the cause of his premature death. There have been, we know, many safety radiation breaches at the Olympic Dam mine, and I can provide members with references.

Despite the spin from the government, we know that this project is years away. The Greens strongly believe that we should not be committing into law a contract—because that is what the indenture is; it is a contract—that may not be actioned for many years into the future, if ever. A proper way to proceed would be to renegotiate if and when the company comes back with a plan to do something, either the same or different from what they proposed.

You have to remember that even if they came back with exactly the same proposal as before the passage of time means that our knowledge changes, the science changes and environmental standards change. We cannot lock in this contract for such a long period and have it unable to be amended during that time.

There is no risk to this project by not giving them an extension for the four years they ask because they are proposing to come back with something different anyway and most of it will have to be renegotiated, especially through the EIS. With the decision being decades away, we now know that they are proposing something different. We believe that we should have a fresh look at the Olympic Dam expansion, the Roxby indenture, rather than meekly extending it for another four years.

The government has said that there is a range of sweeteners, if you like, benefits that BHP Billiton has promised in exchange for the extension, and no doubt we will hear of those in the government's response. I would like to know how many of them are locked in law, the same way that the state's commitments to the company are locked in law effectively for ever. With those remarks, the Greens move that this instrument be disallowed.

The Hon. K.J. MAHER (16:14): I rise to speak against the Hon. Mark Parnell's disallowance motion. I do not propose to read into *Hansard* every single radio interview or newspaper article there has ever been on this issue, but I thank the Hon. Mr Parnell for his extraordinary display of verbosity. It is one of the great appreciations of my life that I was not in this place when the indenture bill was before parliament, because I do not think I would have ever got back that time.

The Hon. Mark Parnell asked one question in particular of the government in relation to whether a further extension can be granted. I am advised that the government does not consider that the legislation gives the company any opportunity to apply for a further extension. I thank him for that question, and I am glad to be able to bring back that advice to him. As a member of the Labor Party I am very proud to be part of a government that has created an atmosphere that has allowed a massive expansion of our mining sector, while at the same time ensuring that environmental concerns are at the forefront.

This government, while making sure South Australia gets the best possible deal, has done all the government can, as acknowledged by BHP Billiton, to create conditions that might allow an expansion of Olympic Dam to go ahead. Although the government and many South Australians are disappointed that the expansion has been deferred, when the government announced an extension to the indenture agreement BHP Billiton committed to spending more than $650 million over the next four years on initiatives within South Australia. I will not outline all of them, and I know the Hon. Mark Parnell has asked for examples of what they might be.

For example, there are four main areas of this $650 million investment: Olympic Dam project activities, EIS-related activities, capacity building in South Australia and community development. Some of the initiatives include NatureLinks biodiversity programs, a north-south biodiversity corridor, developing Indigenous land managers, a lot on Indigenous training and employment, and research and education.

This government has been aware of the power of industries like the mining sector to help transform regional communities. Since Labor came to office in South Australia the number of mines operating have increased from four to 20, the number of people employed in mining has increased from 4,000 in 2002 to about 14,000 this year, and mineral exports have quadrupled since 2004.

This has not happened by accident. The careful planning and stewardship of the Labor government and Labor ministers have allowed this to occur. The South Australian government's PACE initiative is recognised worldwide as one of the programs that have contributed real growth in the exploration sector.

The Hon. D.W. Ridgway: You said you weren't going to reply with mindless rubbish.

The ACTING PRESIDENT (Hon. J.S.L. Dawkins): Order!

The Hon. K.J. MAHER: So, it is the hard-working dedication of people like the former minister in this place, the Hon. Paul Holloway—

The Hon. D.W. Ridgway: A legend of mining he was—he was awarded that.

The Hon. K.J. MAHER: He was, and the current minister, the Hon. Tom Koutsantonis, whose passionate determination to see the state succeed is probably without question. We have been exceptionally fortunate to have two giants in the area as our ministers. Under the watch of minister Koutsantonis, according to ABS figures private new capital expenditure for South Australian mining for the June 2012 quarter was $199 million. Private new capital expenditure for the 12 months to June 2002 totalled $1,058 million. This is not an accident: four mines to 20 mines—

The Hon. D.W. Ridgway interjecting:

The ACTING PRESIDENT (Hon. J.S.L. Dawkins): Order! The honourable leader of the opposition will get his turn in a moment.

The Hon. K.J. MAHER: —since Labor has come to government. It is no accident that this all happened under a Labor government. Protecting our natural environment has been at the forefront of the government's concerns in the expanding mining sector. For example, this government made the right decision in protecting Arkaroola and banning mining there. Arkaroola is unique, with sensitive environmental, cultural and heritage values, and that is why the state government introduced special purpose legislation to protect this area.

Further, the government will nominate this region for inclusion on the National Heritage List and seek to have it nominated for World Heritage listing. Mining is and will be increasingly important to regional communities in South Australia and South Australia in general, but it needs to be balanced with proper environmental protections. I am pleased that the vast majority of members in this parliament recognised the importance of the Olympic Dam expansion when the indenture bill was passed.

However, there were a few of us in this parliament who wanted to stand in the way of the benefits this could bring for South Australia, and I find myself in the very unusual position of wholeheartedly agreeing with the Leader of the South Australian Liberal Party, the member for Heysen, when she said that to object to the expansion really is a nonsensical policy. She was, of course, referring to the member for Waite when she said that, he having apparently led the charge within the Liberal Party not to go ahead with the Olympic Dam expansion.

In this respect, future generations of South Australians may well be thankful for that one single vote in the Liberal Party room that allowed the member for Heysen to remain leader, so that the member for Waite did not become leader and do everything he could to derail the project, as the member for Heysen pointed out in a newspaper article.

I urge honourable members to consider the immediate benefits of the $650 million investment from BHP Billiton and the potential benefits should the whole project go ahead.

The Hon. D.W. RIDGWAY (Leader of the Opposition) (16:20): I was a bit amazed that the representative of the government said he was not going to go on a whole range of historical stuff and read lots of *Hansard*. However, he read a lot of stuff that was irrelevant to what we are facing today, which is a discussion about BHP's extension of its approval.

I think, just quickly, given that the others have indulged in some historic rhetoric, I will talk about the fact that if it were not for the Liberal Party we would not have a mine there at all. It was the Liberal Party in David Tonkin's time that had the foresight to actually push ahead with this mine happening, and the young, energetic Government Whip should look at the 125 years of the Department of Mines and Energy which shows that there has been bipartisan support for the best part of a century, from both major parties, to see the mineral sector thrive.

We have always recognised that it is important, and I think he should actually study history in a little more detail to learn that it is not just the Labor Party, because you guys have only come in at the last five minutes of the timeline. In terms of one of David Attenborough's great long timelines, it was about two minutes to midnight when you guys started to get involved.

The ACTING PRESIDENT (Hon. J.S.L. Dawkins): Order! The honourable member should refer his comments through the chair.

The Hon. D.W. RIDGWAY: I apologise for that, but having said that, Mr Acting President, I think we are all aware of the economic benefits that a robust mining sector provides to our state, and certainly the economic benefits that this mine has already provided. I think in this whole debate we forget that there is already a very large and very important mine operating there, a very large copper mine, with obviously some by-products of uranium, silver and gold.

I think one of the issues with a lot of the hype around this extension comes from the way that former premier Rann and his team over-spruiked the whole mining expansion and the community expectation that was driven almost to a fever pitch in relation to when the expansion was going to go ahead. They built a level of expectation, which, sadly, when it did not go ahead, is one of the reasons our South Australian economy is in the doldrums today, with an absolute lack of confidence, because the Labor Party oversold something.

I think if you actually talk to the people from BHP, there was never any guarantee that it was going to go ahead, that they would do everything in their power to try and get it to go ahead. They needed all the government approvals in place to make that happen, but it was the government that said it was a definite reality, and it is, of course, the government that now faces tremendous budget shortfalls because of the reckless way they expected revenues to come flowing into the government coffers from a project that only they said would go ahead.

I will just quickly touch on the matter of heap leaching. I think there has been some misunderstanding from the Hon. Mark Parnell, and a little bit of spin, I suspect. Initially his comments sounded like they were going to be heap leaching the mine straightaway. All that BHP want to do is conduct a feasibility study of heap leaching, and I think they have some consultants working to do it. I think they have 100 people at Amdel to build up a testing site there and about 600 consultants involved in the project.

The heap leaching testing will be done at Amdel, so they will keep their 50 people in the team there. If the testing were to be done elsewhere it would be fewer people. However, people have to understand that, until such time as the heap leaching method is proved up, there is no need for a change to the approvals that are in place. However, that will just be a small part of it. We have got a desal plant that has been approved, we have got access, we have got expansion to the mine, and we have the airport.

There is a whole range of issues that will not change whether we have heap leaching or not, so that is why the opposition sees that this is an important extension. It is for 46 months. It is interesting that 12 months of that has elapsed, yet the Hon. Mark Parnell initially talked about a 58-month timeline. In actual fact it is 12 months that has now elapsed, with a 46-month extension to line it up with the other federal approval, which I think everybody would agree, if you are going to extend it, to line them up when they all lapse makes sense.

I think what people have to understand is that this is a company that would desperately like to invest here. Their first priority, of course, is always to their shareholders and the corporate governance of any company, whether a small company or one as large as BHP, must make sure that it protects its shareholders and protects its interests. Clearly, the amount of money that they have invested means that they are serious about expanding this mine.

In closing and in indicating that we will be voting against the Hon. Mark Parnell's disallowance motion, it is disappointing that the culture has changed. I never thought I would say this but when we had premier Rann and treasurer Foley (BHP expansion fix-it man), we had a culture of openness. The opposition was invited to minister Foley's office to view the indenture. It may have been before it finally went to cabinet, definitely before it went to caucus, and we had BHP throw their doors open to help us. The department threw their doors open. They wanted us to have all the information.

The disappointing thing from the opposition's perspective in this case is that this did not happen. Under Weatherill and Koutsantonis, it is silence and we are almost shut out of it. It is disappointing because I think there has been bipartisan support, even though we had to get a

Labor member to cross the floor to kick it off. This has been a project that both parties initially saw as important and really did not want to play politics with too much, other than the bit of over-spruiking by the premier.

Now we have seen a change in culture where we have the Weatherill government wanting to try to exclude the opposition. We were disappointed and I felt that BHP were not as open and frank as they had been with us in other briefings we had with them prior to events taking place. I have conveyed that to BHP that I felt they needed to be mindful of the respect that we built up and the openness and trust that we had in negotiating the initial indenture and that I felt a little disappointed that that has been somewhat diminished and diluted. I hope that is not an ongoing approach to dealing with the opposition. With those few words, I indicate that we will be voting against the Hon. Mark Parnell's disallowance.

Motion negatived.

There being a disturbance in the President's gallery:

DEVELOPMENT (REGULATED TREES) AMENDMENT BILL

The Hon. M. PARNELL (16:28): Obtained leave and introduced a bill for an act to amend the Development Act 1993. Read a first time.

The Hon. M. PARNELL (16:30): I move:

That this bill be now read a second time.

This is a bill that I have been working on for many months. It is a bill aimed at fixing a number of problems that the government has created through its new regulated tree regime. As members would know, that regime involves three levels of delegated legislation, if you like: the Development Act, regulated tree regulations under the development regulations and the development plan amendment that has been in operation for some time and which has just recently been formalised. So this bill is designed to fix a number of problems.

About eight or nine months ago I wrote to every local council in South Australia affected by this legislation and posed five questions to them. I want to go through those questions as well as the answers that the councils have given. The first question was: in light of the changes made to the significant or regulated tree regime, has the number of applications for tree-damaging activities increased in your council area? Secondly, I asked whether council planning officers were finding it difficult to assess applications in the absence of arborists' reports because, as members would know, this parliament legislated to make it more difficult for councils to insist on arborists' reports when significant trees were being removed.

Thirdly, I asked: what has been the impact of the new exemptions on tree removal? By exemptions, we are talking about the species list and also proximity to buildings. Fourthly: are more trees being removed now in your council area compared to previous years? Fifthly: is council considering listing individual significant trees in its development plan?

That questionnaire, if you like, elicited a wide range of responses, but some clear themes have emerged, and it is those themes that I am dealing with in this legislation. For example, if we start with the Burnside council, the first thing it said was that it had serious concerns about the effect of the Development (Regulated Trees) Variation Regulations. It was so concerned that it in fact resolved to write to the Premier basically expressing its disappointment at the apparent lack of government interest in retaining decent significant tree legislation.

Given the nature of the Burnside area, the Burnside council is probably one of the most passionate councils in terms of trees and protecting them on behalf of the local community. The council basically points out that the regime introduced by the government will fail the intent of the legislation, which was designed to balance the conservation and protection of trees that provide important aesthetic and environmental benefits with appropriate development. That, in many ways, is at the heart of the dilemma. When there is conflict between large trees and development, must development always win?

The Adelaide Hills Council had a response to the question about arborists. When I posed the question about whether its planning officers were finding it more difficult to assess these applications without arborists' reports, the answer in short was, yes. It is considered paramount that at least the tree species be identified by a qualified arborist for the purposes of assessment. Without this piece of crucial information, staff may end up approving the removal of a rare or endangered species of tree. Staff consider that the legislation should be amended to include the

requirement that an applicant engage a qualified arborist to identify a tree species as a minimum for the removal of any regulated tree.

I note that the cost of arborists' reports was one of the driving factors behind the changes that were made, but what the council is saying is that there is grave risk that people will simply get it wrong. I think it is a fair bet that most of us do not know with precision the actual species of trees that we are talking about. The City of Charles Sturt responded to the question about the exemptions by saying that trees that were previously required to be retained have been removed under this legislative change, and they give examples of trees that would have been protected that are now gone: Norfolk Island pine, peppercorn, lemon-scented gum. They go on:

> ...however, the numbers of trees impacted is unclear as we are only specifically aware of three examples.

The reason, of course, is that if a tree is removed pursuant to an exemption you do not have to tell anyone that that is what you are about to do or that that is, in fact, what you have just done. You just do it. The Gawler council, when asked whether applications had increased, said:

> Since the release of the Regulated Tree Development Plan Amendment on interim operation...Council has experienced both a surge in the number of tree removal applications and difficulties with their assessment. This has resulted in a level of uncertainty within the community as well as increased costs for both Council and applicants.

They also go on to say, in response to the question of whether more trees are being removed now compared with previous years:

> Yes, we have had a significant increase in the amount of trees removed. Large peppercorn trees, previously protected by Development Regulations, are now being removed.

The City of Holdfast Bay, in its response, makes a number of interesting points. In relation to whether the number of applications has increased, it says:

> No. The number of development applications for the removal or pruning of once 'significant' trees is down 40 per cent compared to the same time in 2011. Most trees no longer require development approval for removal; the majority of trees in the urban environment are now exempt from statutory control.

Within that statement they are basically saying that fewer people are applying because they do not need to anymore: most trees are no longer protected. In terms of the impact of the exemptions, the City of Holdfast Bay says:

> Anecdotal evidence suggests that trees which are exempt from assessment are being felled at a rapid rate.

The council also comments on the issue of whether it is worth listing trees individually. They are not proposing to do that because it is a cost-prohibitive process; it is effectively a census of big trees in a municipality and then listing them individually. Few councils thought they would go down that track. I refer to the Light Regional Council. In its response, it says that there has not been an increase in applications. It says:

> ...providing advice on whether a particular tree is a regulated or significant tree has become complicated now that the species of the tree is relevant.

It agrees with other councils that specialised expertise is required to confirm that a tree is, first, captured by the legislation and, then, that a development application is necessary. This is a common theme that is emerging. The City of Marion, in relation to exemptions, says:

> Although the impact is not obvious, it is anticipated that a number of trees previously protected under the legislation have been removed over the past five months. Whilst the number of trees removed is not quantifiable (as applications are not required), Council staff frequently receive enquiries from residents seeking clarification of whether trees on their property are exempt due to species, and/or proximity to the dwelling. Council staff have advised a number of residents that [trees] on their property now fall within the exemption criteria.

So, many councils are doing the work that should rightly be the responsibility of applicants for tree removal. The City of Mitcham, in response to the impact of the exemptions, says:

> There appears to have been a marked increase in the number of tree removals within the City of Mitcham as a result of the exemptions.

When asked, 'Are more trees being removed now than before?' the answer is:

> Yes, but as stated above accurately quantifying this is impossible. In the longer term the loss of vegetation cover, which is primarily the EPBC Act listed Grey Box (Eucalyptus microcarpa) woodland, may be determinable through digital analysis of aerial imagery.

Councils have got to the point where presumably they have to use Google Earth or some other online satellite device to determine what is actually happening in their neighbourhood because the applications are no longer being lodged. The District Council of Mount Barker made a useful

contribution as well. It says, 'The number of tree removals and pruning applications have nearly ceased altogether.' So no-one is applying in Mount Barker anymore. It says:

> ...this is largely due to the 20 metre exemption from development regulation. Since the proclamation of the new regulations there has been two development applications for tree removal outside 20 metres radius from a dwelling, [but] these were extremely low value trees...

They then go on to describe the trees. The council continues:

> The act of requiring and assessing these applications seems inequitable and in a sense superfluous when many high value significant trees making an important long term contribution are being removed within 20 metres of township dwellings without requiring application and assessment.

The 20-metre rule of course refers to the rule in country townships which applies a fire standard for removal; so, 20 metres, rather than the 10 metres that applies in the city. A number of councils have said that that is not a sensible rule in the urban areas of those country townships. The City of Norwood, Payneham and St Peters says:

> Since the regulations came into operation, the Council has experienced a decline of approximately 30% in the number of Applications lodged for Tree Damaging Activity...

It was assessing about 73 applications per year, but they have only had 20 so far this year. It says—and this is important:

> Interestingly, at least one of the Applications received in 2012 was from an Applicant who had previously had an Application for the removal of a tree refused. I suspect this is likely to become a significant trend across the state.

In other words, people applied to have trees removed, they went through the process and it was found to be an unwarranted removal. They wait until the regs come in, and now they can just chop them down, either under regulation or, as this council describes, not being required to put in an arborist's report, which makes it very difficult for council staff. In fact, the City of Norwood, Payneham and St Peters say:

> The absence of Arborist reports in support of Applications for the removal of Regulated Trees has certainly made the assessment of such Applications more cumbersome and time consuming.

The City of Onkaparinga outlines its top five concerns, which are as follows: firstly, the number of exemptions under the Development Act, and they say that those exemptions, notwithstanding the aesthetic contribution or the appropriateness of removal; secondly, restriction on requesting an independent arborist report; thirdly, the inadequacy of the prescribed monetary amount to be paid to an urban tree fund; fourthly, development plan policy that diminishes the level of protection for regulated trees, and; fifthly, the increased complexity of the legislative system for regulated and significant trees. You can see that there are clear themes emerging. I will go through a few more of the councils. The City of Playford, in relation to the arborists' reports, says that planners do not have expertise regarding trees. It also says:

> ...with some applications a stalemate is created because the assessing officer is not presented with evidence to support the removal of dying or diseased trees.

These were predictions that we made when the regulations were first introduced, and when the arborists' reports were made more difficult. It becomes a he-said/she-said: the owner says, 'Oh, it's diseased,' and the council, in the absence of an arborist's report, has very few ways to actually assess whether or not that is the case. On the impact of exemptions, the City of Playford says, 'Trees are being removed without formal identification.' When asked whether more trees are being removed, the council says:

> Yes, due to the changes to legislation and by the increased failure by persons to seek consent from Council leading to an unknown amount of trees being removed.

In relation to the impact of the exemptions, the City of Port Adelaide Enfield says:

> Council has received an increase in enquiries from the public wanting Council to identify the tree species. Also due to an increase in complaints from neighbours when a tree is being removed, Council is spending more resources going out to sites to ensure that the tree being removed is exempt under the new legislation.

I might say that one of the ideas I put to councils was whether people should not be allowed to rely on an exemption without first having given notice of intention to do so. I think that is a good solution, but ultimately it was not supported by sufficient councils, so I have not included it in my bill. The City of Prospect, the council that covers the Hon. Dennis Hood's dwelling place, as I understand it, says:

The new exemptions (due to tree species and/or proximity to dwellings or pools) have also had an impact, as we have seen an increase in the number of larger trees removed which previously would have required an approval prior...

The City of Salisbury says:

We are aware of a number of trees that have been removed since the introduction of the new exemptions that were healthy, notable trees that contributed significantly to their localities. We have seen significant confusion on the nature of the exemptions and in the methodology by which residents obtain information about the tree species, which has resulted in a high quantity of lengthy customer advice being given.

So, in many ways, rather than making the local council planning officers' lot easier by having fewer applications being required to be lodged, the council officers are as busy as ever trying to work out whether or not the exemptions are being genuinely applied. The Corporation of the Town of Walkerville says:

...the general trend in the Walkerville Township of late has been that large, notable trees have been cut down and removed from the landscape without the knowledge of Council. In many of these cases, Development Approval would ordinarily have been required were it not for the amended legislation.

Further, Council has consistently been made aware of the 'disappearance' of these trees by our residents, who have clearly conveyed their disappointment with the fact that approval is no longer required. While the relaxed provisions have certainly helped individuals to prune trees, remove trees and develop land with fewer or no constraints, they have also started to impact on the natural character of our Town and reduce the amenity value previously afforded to our streetscapes.

They are some of the responses that show the nature of the problem. When it comes to the solution, the bill I have put forward deals with three of the main problems. I have not dealt with all of them because I could not either find a model that worked or find sufficient support amongst councils, but these, I think, are the ones where there was a deal of consensus.

First, in relation to the 10-metre rule—in other words, the rule the says that, if the tree is within 10 metres of an existing dwelling or a swimming pool, it is exempt and it does not need approval—we need to deal with that rule as it is a very blunt tool for what should be a more considered process; secondly, the question of an arborist report and when it is required and, thirdly, the issue of maintenance pruning, the rules have loopholes in them that you could drive a truck through.

When you have a rule that says that you can prune 30 per cent of the canopy of a tree without getting approval but it does not tell you how often you can do it, you could effectively prune 30 per cent one month, 30 per cent the next month and then, in 3½ months, the whole tree is gone, although that is not quite true because the 30 per cent would be based on the remnant that was left. So, it would be the law of diminishing returns, but the tree is going to be diminishing at a pretty rapid rate if someone were to consecutively apply the 30-metre pruning rule. In relation to that rule, the City of Burnside says:

In relation to the suggested amendments in relation to the 10-metre rule, further value to the system could be added by amendments to the development plan which specifically seek that new development does not occur within five metres of a regulated or significant tree, or at least is only appropriate if it is demonstrated that the development will not affect the long-term health of the tree.

So that was one option, to go from a 10-metre rule to a 5-metre rule, and that is certainly an option the government has available to it when it reviews deregulation. I should say that the City of Burnside was overall very supportive of the options I have put forward in this bill. They say:

It is our view that the proposed measures outlined in your letter are positive and will together reduce the amount of tree removal and create a better system of control in relation to trees. The measures in relation to exempt trees are particularly meritorious, as they deal with long-held concerns about the validity of tree removals.

So, I am very grateful to the City of Burnside for their considered view. The City of Marion in relation to the 10-metre rule was supportive of it being reduced to five metres. There was one option that did not find its way into the bill but is still possible, and that is the idea that land management agreements could be used to manage trees that were within the exempt distance from a dwelling to make sure that they were not subsequently removed later on.

The City of Charles Sturt supported a lesser distance for exemptions. A number of councils supported removing the 10-metre rule altogether, and that is the approach that ultimately I have taken in this bill. In terms of the arborists' reports, the one response that I got from the City of Tea Tree Gully states:

The current legislation requires council to obtain its own technical report for regulated trees, the cost of which is borne by the wider community through rate revenue. Council is of the view that it is unreasonable to expect

the community to fund this expense when the tree is located on private land. Council supports the recommendation that arborists' reports should be entirely funded by the owner of the tree.

So, that is a supportive submission, as well. The Town of Walkerville is supportive of the ability of councils to insist on a report, and they believe that that should be legislated in the first instance, which is what effectively I am doing here. The City of Charles Sturt, in relation to arborists' reports, says:

In the past, council staff have found that assessing the proposal to remove a tree was able to be undertaken with a more balanced review where the applicant provided an arborist's report and council then also sought similar advice. This allowed for two opinions on the matter, which assisted in reaching an appropriate level of robust analysis of how the proposal met the provisions of the development plan. This in turn gave greater certainty that the approach of council in deciding the application was balanced and valid.

Again, there are similar comments from Onkaparinga, where they say:

In relation to the issue of maintenance pruning we agree that the 30 per cent pruning clause should be altered to ensure the situation you have highlighted, 30 per cent removal each year over three years, does not occur.

The City of Port Adelaide Enfield basically agreed that there was a problem with the 30 per cent rule. The 30 per cent rule per se they did not disagree with, but they agreed that debate has arisen about how often a tree can be pruned, so that is really the issue that I have tried to address.

So, there we have it: a range of views from local councils that are supportive of the bill. When members look at the bill, they will see it is quite short. It has only five active clauses. One that I particularly draw members' attention to is clause 5 of the bill, which deals with the situation not where the tree is within 10 metres of a house, as at present, but where someone seeks to build a house within 10 metres of a tree.

Now, this is a matter that occupied a great deal of time in the Environment, Resources and Development Committee, and I grilled the bureaucrats at some length about whether they could guarantee that a tree would not be sentenced to death by the construction of an encroaching swimming pool or dwelling, and they could not give that guarantee. They suggested that it would be a joint application for tree damaging activity and rumpus room construction, for example, but there is no guarantee that that would happen.

In fact, if the tree in question were the other side of the fence, if in fact if it was the neighbour's tree, then there would be no need to even refer to it in the application; so, we do need to make sure that we do not see tree removal by the encroachment of buildings. Ultimately, what this balance is about is that, in the potential conflict between the built environment and the tree, must the tree always lose? The way in which the government has drafted the laws the tree has a greater likelihood of losing. This bill seeks to redress some of that balance. I commend it to members.

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

FISHERIES MANAGEMENT ACT

The Hon. J.S.L. DAWKINS (16:55): I move:

That the regulations under the Fisheries Management Act 2007 concerning prescribed quantities, made on 27 September 2012 and laid on the table of this council on 16 October 2012, be disallowed.

As I said, in September this year the state government introduced recreational fishing possession limits in South Australia. The possession limits have been implemented as an amendment to the Fisheries Management General Regulations 2007. The introduced recreational fishing possession limits are as follows: for King George whiting, east of longitude 136°, the size limit is 31 centimetres, the bag limit is 12, the boat limit is 36 and the possession limit is six times the bag limit, that is, 72 fish or seven kilograms of fillets.

West of longitude 136°, the size limit is 30 centimetres, the bag limit is 12 and the boat limit is 36 and about the same possession limit as the eastern section. For pipis or Goolwa cockles, east of longitude 136° east, the size limit is 3.5 centimetres, the bag limit is 300 and the possession limit is four times the bag limit, that is, 1,200 pipi. West longitude 136° east, the size limit is 3.5 centimetres, the bag limit is 100 and the possession limit is four times the bag limit, or 400 pipi. For razor fish, there is a bag limit of 25, a boat limit of 75 and the possession limit is four times the bag limit, or 100 fish.

Before I go further into this motion, I must say that I am not someone who is educated in the fishing area; I know that there are many people in this chamber who are much more eloquent

about fishing matters than I am. However, I know that even those people are significantly confused by the detail in those regulations, and the reason that I read them out is that I think it is not easy for anyone to remember the details of those.

Having said that, the Liberal Party in this state does believe in recreational possession limits, but we believe in a more simplified policy. We support the introduction of possession limits in the vicinity of 20 kilograms, similar to Western Australia in the manner of 20 kilograms of fillets of finfish or 10 kilograms of fillets of fish and one day's bag limit of whole fish or fish trunks, or two days' bag limit of whole fish or fish trunks. Having said that, some species may have a specific possession limit.

I must say, I pay tribute to the work that the member for Hammond in another place, the shadow minister for fisheries, has done in this area. He has worked very hard to get the views of people right across the board who are the amateur fishers who enjoy, in many cases, an annual fishing trip. Particularly at this time of year, many farmers enjoy such a trip at the end of harvest.

I also note the contribution to our policy from Liberal members of the House of Assembly such as the member for Goyder, the member for Flinders—who has by far the greatest amount of coastline of any electorate in this state—and the member for Finniss, who shares the Fleurieu coastline with the member for Hammond, but also, of course, has all of Kangaroo Island. Those particular members do have a significant amount of the coastline that is in South Australia, but in particular is popular for recreational fishing trips.

As I said earlier, many people who like to go away fishing mainly have an opportunity to do that on one occasion a year. We think that the government regulations bringing the limits down to seven kilograms of whiting are unacceptable. There is a general view that the amount is too low. The limits came about because we in South Australia were the only state not to have possession limits, and because they existed in other states it enticed some people to come to South Australia.

We have all probably heard stories of people fishing, particularly on the far west coast, catching thousands of fillets and taking them away, whether it be to the Eastern States or Western Australia. While a lot of that is anecdotal, it certainly does upset the commercial fishermen and those who obviously are concerned about our fishing stocks being unnecessarily pillaged.

We say we need to even up the way possession limits are managed. We think that we do need possession limits; however, we believe that 20 kilograms of fish, which could be something like 160 whiting, is quite sustainable. I should reiterate, I think, a point that I make quite often about farmers, who are generally the best conservationists because they believe in the sustainability of the land that they farm. Most fishers are the same. The recreational fishers are people who want to continue to do that, and so most of them do the right thing.

We are not talking about people having the opportunity to take thousands of whiting. We want to see that controlled. We need to know the manner of policing the measures. I understand the method of policing in Western Australia is that if there is enough suspicion involved a warrant is sought to inspect a person's premises. You would think that the fishery officials would need to be very suspicious if someone has a freezer with many fillets in it.

There has obviously been a lot of suggestions in South Australia during the months of debate since recreational fishing possession limits were first flagged. I think we should all understand that hundreds of thousands of people in South Australia love the opportunity to go for a fish, and there are many who do not get an opportunity to do a major fishing expedition more than once a year, so it is our view that these limits should be altered to adopt the Liberal policy area.

One other matter I want to raise before concluding is the impact that these regulations have had and will continue to have on regional and rural communities because they are areas that benefit significantly from fishing tourism, from the people who go into those communities for their fishing adventures and then they shop, go to hotels, and so on, in those regional areas. As these regulations stand, they have significant potential to impact on those regional and rural communities, and that is another reason why the Liberal Party is moving to disallow the regulations. I commend the motion to the council.

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

SELECT COMMITTEE ON MARINE PARKS IN SOUTH AUSTRALIA

The Hon. D.G.E. HOOD (17:07): I move:

That the interim report be noted.

I rise to provide a summary of the interim findings of the majority of the members of the Select Committee on Marine Parks in South Australia that this house was good enough to allow us to investigate. There are also findings by a minority of the committee, the Labor members, who issued a dissenting statement.

First, I thank all members of the committee, which has seen some member changes over its life. It has been a fairly longstanding select committee, approaching two years now, or certainly over a year and a half. I was the chairperson. The two Liberal members, the Hon. Michelle Lensink and the Hon. Terry Stephens, have been with us since the beginning.

There have been some changes in the Labor membership because those members have left the chamber, but currently we have the Hon. Carmel Zollo, and the Hon. Gerry Kandelaars joined us for the last two meetings of the committee. Prior to that we had the Hon. John Gazzola, who now occupies the President's chair, and the Hon. Paul Holloway, who is no longer a member of this place. I thank all members for their contribution to the committee over the period it has run.

Although it is obviously an issue of some contention, the committee has cooperated well. I think on both sides, for both Liberal and Labor members, it has been a worthwhile exercise and, in my opinion, it has been entered into with the right spirit. I also thank the parliamentary staff. Leslie Guy and Guy Dickson have been the secretaries of the committee, and they have been outstanding, as we have grown to expect from them.

The Hon. J.S.L. Dawkins: They're good guys.

The Hon. D.G.E. HOOD: They're good guys, indeed. They have shown excellent organisational skills, and we have been very spoilt as committee members with their involvement, particularly arranging the committee's travel. We have travelled to all parts of the state, it has been organised very well, and I place my thanks to them on the record.

I also thank research officer, Geraldine Sladden, who I had not had anything to do with prior to the commencement of this committee. She has shown herself to be diligent and very timely in her work, and I thank her for that. I also acknowledge the considerable time devoted by departmental witnesses, representatives of the industry and professional bodies, fishers and members of the public who gave their substantial evidence over quite a period of time.

I mention only a few matters of history in my contribution this afternoon. On 27 April 2012, the government announced substantial changes to the initial proposed sanctuary zones which will necessarily alter the impacts of marine parks on all stakeholders in South Australia. A substantial amount of evidence has already been received by the committee to that point and, for this reason, the committee decided to table an interim report based on the evidence taken on the initial proposed zones and then seek fresh evidence on the revised zones, and I will be talking to that in a moment.

The committee also intends to take evidence on the impacts of the draft management plans and impact statements released on 26 August 2012 for each of the proposed 19 marine parks. However, as I said, that is a matter for the next motion. It is important to acknowledge that this report is an interim report and it deals with that first proposal by the government rather than the subsequent proposal which is obviously an improvement on the original one, certainly in my view. The original purpose of the committee was to inquire into the marine parks in South Australia and in particular to consider the following points:

- the scientific evidence regarding the design and management of the parks;
- the detrimental effects for recreational fishers and commercial fishers;
- possible detrimental effects on property values;
- the reaction by the community and fishing groups about the consultation process;
- an examination of interstate and international moves to limit the extent of sanctuary zones;
- finding the correct balance between general marine park areas and no take sanctuary zones; and
- how the management of the parks themselves will be funded.

The committee travelled to Cape Jervis, Fleurieu Peninsula, Kangaroo Island, Yorke Peninsula, Port Lincoln and Streaky Bay to receive evidence, as well as holding a number of meetings here in Adelaide. More than 70 witnesses gave evidence to the committee and there were 109 written

submissions that were considered in total. It was quite a deal of evidence and members who were in the chamber yesterday would have seen the rather large pile on my desk here.

By way of an overview of the evidence, it was clear that many people saw their future livelihoods threatened by the introduction of sanctuary zones, in particular, which are the central feature of the marine park initiative, or at least one of the significant features. Many fishers believe that South Australia's well managed fisheries provide the necessary conservation and ecological outcomes without the necessity for such zones.

Some also thought that fishers were being unfairly targeted, noting the threats to the marine environment from other activities—for example, fertiliser and herbicide run-off from agricultural land, urban run-off and also mining activities—that were not being addressed in this context. They were not blamed necessarily but the evidence was presented to the committee that those things should also be considered for their impact on the marine environment.

A great deal of evidence presented to the committee focused on inadequacies in the consultation process centred on the local advisory groups (LAGs). The committee heard evidence from witnesses about a litany of problems in the process including inadequate information and mapping, inaccuracies and delays in meeting practice, flaws in the methods of collecting information, and the hijacking of the agenda both by interest groups and by the department itself it was suggested (Environment and Natural Resources). It was also told that local expertise was often ignored in the consultation process and the department had lost the confidence of the stakeholders involved in some cases.

Those are quite extraordinary things to say but that was some of the evidence presented to the committee. I should add that there was also a suggestion on more than one occasion that minutes were actually altered following meetings of the LAGs that did not reflect what actually occurred at those meetings. We were not able to substantiate that, and I do not point the finger at any individual, but I think it is important to acknowledge that those are very serious allegations that the committee heard and it should be acknowledged and every step taken for it not to occur in the future. If it is true, it is very concerning indeed.

The committee heard conflicting arguments about the management of fishery resources. On the one hand, a number of witnesses believed that the present management with its quotas and limited sanctuary zones is working as it stands. Some evidence was put that the department of environment and natural resources had failed to work with the fisheries division of the department of primary industries and resources and the South Australian Research and Development Institute in the marine park process, and that the department of environment and natural resources had not acknowledged the excellent management of fisheries in this state.

There was some conflicting evidence on that point, but that was presented to the committee. I think the points I have already made outline a theme, and that is that a number of people felt that the consultation process was clearly inadequate. That was one of the key findings that the committee reported.

I will now deal with the various findings and recommendations specifically made by the committee. The committee found that the majority of witnesses from each community affected by the proposals believed that local knowledge was ignored in many cases, data collection was inadequate and the process was, in their words, quite flawed. The committee recommended that the government follow the process set out by the Convention on Biological Diversity, that is, to take a bioregional threats-based approach rather than a spatial-mapping approach to establish the marine parks themselves. It also recommended that the benefits of each marine park should be clearly articulated prior to their establishment.

The committee also considered the detrimental effects to recreational fishers and the commercial fishing industry through the imposition of marine parks. Unsurprisingly, peak bodies in the fishing industry were extremely worried by the future viability of the industry by reason of the new sanctuary zones in particular. It was put to the committee that fish do not observe sanctuary zones. Prawns, for example, are a migratory species and, if they enter sanctuary zones, it means no income for fishers.

Concern was expressed about the value of compensation, suggesting that fishing businesses and equipment were being devalued by the very imposition of marine parks; that is, by having a marine park, the fishing business value itself suffers just by the very fact that it is subject to some of the restrictions that were proposed.

Coastal communities suggested that, in some cases, there would be significant impacts on the fishing industry and, indeed, the very economies of those local communities. The committee recommended that the government undertakes further consultation with commercial and recreational fishing interests and local communities to determine the impact on those communities.

There was much evidence from witnesses claiming that real property values in coastal areas might be affected. The committee found that evidence presented indicated that there was substantial disagreement, to be fair, about the likely impact on property values in regional areas. We did have arguments for and against on that particular point, but I think it is certainly fair to say that there was genuine concern amongst those affected about the impact on their particular property values.

I guess the thrust of the argument was that, in many of those coastal towns, one of the main recreational activities is fishing. People will typically have a holiday home, say, in Yorke Peninsula, for example. They will travel to the town with really the primary focus of going fishing for the week, or whatever it may be—a swim and that, of course, but fishing forms a significant part of their recreational plans. Many people argue that by simply not allowing it, or restricting it, in many cases, the value of their own properties would suffer. As I said, there was some dispute on that claim, but I think it is fair to say that it was sincerely held by the individuals who presented it.

I touched on this a moment ago, but one of the really concerning things—certainly for me, and I cannot speak for other members—that the report found was that there were many complaints, and I mean many complaints, by local communities and fishing groups regarding the consultation process associated with the implementation of marine parks. This was a very serious matter, of course.

Not surprisingly, however, the process was defended by the department, but the committee found that communities, as distinct from conservation advocates, believed that the local expertise of the local advisory groups (the so called LAGs) was largely ignored in the consultation process, or certainly not given due attention in a number of cases.

The committee noted that some groups were actually quite scathing about the consultation process and believed that the desired outcome had been predetermined prior to the commencement of the consultation. That was an allegation that the committee heard a number of times: that people felt very strongly that the outcome was determined prior to the consultation being in any way considered and, in some cases, even happening. I think that was very serious and insulting for people. Some people felt insulted by the fact that their opinion had been sought but not genuinely considered.

The committee recommended that any future zoning management plans be referred back to the local advisory groups for advice prior to implementation. I think that is only reasonable. The committee recommends that regional impact statements be undertaken prior to the release of management plans.

The committee investigated interstate and international moves to limit the extent of sanctuary zones and found that, while marine parks have been progressively adopted in other states, the proposed 42 per cent for South Australian waters is far in excess of the areas designated in other jurisdictions, with the exception of Queensland. The committee also recommended that the outer boundaries for marine parks in South Australia be substantially reduced in line with those in other Australian jurisdictions.

As to the question of the proportion of marine parks that should be sanctuary zones, the committee found that there was no unequivocal research available, and it was unclear what the proportion should be. It recommended that the government undertake broad-based consultation with all affected parties prior to establishing sanctuary zones. It also recommended that the government should not gazette sanctuary zones larger than the endorsed local area advisory group proposals for those particular sanctuary zones.

Evidence indicated that the department had not done any detailed analysis of the costing on the management of marine parks; indeed, I believe that was from their own words. There was other evidence, however, that ongoing funding will be critical to the success of the marine parks and, I believe the environment department said that themselves. This led to considerable uncertainty as to the future funding needs and levels. The committee recommended that neither commercial nor recreational fishers be responsible for the costs of the establishment or maintenance of marine parks.

I think that gives a brief outline of the findings of the committee and how it operated. As I said, I think the committee operated with a determination to try to find the truth, and I think the truth is that there are a lot of unhappy people; that is the simple truth of it. People are genuinely worried about the impact on their livelihoods; in many cases, these are salt of the earth, good-hearted, really decent people trying to make a living in their own towns, and they are really genuinely concerned about marine parks and particularly the no sanctuary zones being imposed on them.

I urge the government to consider the report. I am pleased that the government has obviously revised its original plans, and that will be the subject of my next very brief contribution. I think it is important that we acknowledge, as proposed at the time this committee was set up, the impact, certainly in the views of those people most affected, would have been very significant and, indeed, potentially devastating.

The Hon. CARMEL ZOLLO (17:22): I take the opportunity to place on the record a short response as one of the two government members on the select committee. The Hon. Gerry Kandelaars and I have attached our dissenting statement as tabled, if for no other reason than that we believe the government has simply got on with the job of continuing its consultations with the community and indeed improving on them following feedback that some people believe their voices had not been heard.

The continuation of that process will, no doubt, see the government release final marine park management plans before the end of the year, as outlined in August. The draft management plans and impact statements for each of the proposed 19 marine parks were released in August for public review and comment. In short, we believe this committee has been left behind.

When a select committee is set up, governments of any persuasion do not expect accolades and this select committee did not disappoint in that regard either. As to be expected in this important issue, there are passionate views on all sides. A responsible government knows it does need to consult as widely as possible, besides it being mandated in legislation, and indeed the government had every good reason to believe it was doing so and, as mentioned, has continued to consult more.

Also, as mentioned in the dissenting statement, the government believes that the marine park process is one of the most comprehensive public consultation processes ever undertaken in our state. Because consultation does not always equate to agreeing with everything that one puts forward, I acknowledge that many who gave evidence to the committee felt their views were not taken into account and, as such, the committee was an important avenue for those grievances, especially by those who were concerned about their livelihoods.

I am also pleased to say there was overwhelming consensus by those who gave evidence to the committee that they agreed with the concept of marine parks, which clearly was heartening for the future of our environment. As to be expected, the main grievances were around zones and no-take sanctuary zones. No government sets out to disadvantage its constituency and, as mentioned in our dissenting statement, the government has always acknowledged that the introduction of marine parks would have some effects on the commercial and recreational fishing sectors. It has gone to great lengths to minimise negative impacts.

What the Hon. Gerry Kandelaars and I have done is to respond to the recommendations put forward by the other honourable members of the committee. We believe our responses are sound and based on information publicly available, whether it is on the issue of scientific evidence or the processes undertaken by the government.

The Hon. Gerry Kandelaars and I may not agree with our colleagues on the recommendations, if for no other reason than that government processes have superseded this interim report, but I acknowledge the work of the other committee members: the Hon. Dennis Hood as the Chair, the Hon. Michelle Lensink, the Hon. Terry Stephens and, for most of the committee, our President in this chamber, the Hon. John Gazzola. It is certainly an area he is passionate about, and he made an important contribution to the life of the committee. For a short time we also had the Hon. Paul Holloway as a member.

I would also like to join the Hon. Dennis Hood in thanking the research officer of the committee, Ms Geraldine Sladden, our committee secretary, Ms Leslie Guy and, for a few meetings at the beginning, Mr Guy Dickson. I also particularly want to acknowledge and thank all those who made both written submissions and gave evidence before the committee. I acknowledge that it is not always easy to travel to meetings, whether they be in Adelaide or in country South Australia, or to take time out of a busy life to fit in with the committee hearings.

As we now know, the Hon. Dennis Hood has moved a motion that will see this select committee reconvene with an extended term of reference to continue listening to those who wish to put their views on government processes. I am always happy to hear the views of our constituency; I believe it is our raison d'être before progressing any legislation. The fact that government processes, as required by the legislation, have progressed and that the final marine park management plans are expected by the end of the year, should, I believe, influence that following debate.

Ultimately, more than 10 years after this important issue was first mooted by a then Liberal government, is time to see certainty for recreational fishers, commercial fishers and the tourism industry. I know I will be joined by all in welcoming the final marine park management plans, which I understand are due to be released before the end of the year.

The Hon. G.A. KANDELAARS (17:27): As you know, Mr Acting President, I was appointed to this committee on 17 October, and the first meeting I attended on 20 November was when the draft report was actually noted. I was provided with the draft report only the previous day, so I will only make some brief comments. I understand that the committee heard that marine parks are being zoned for multiple uses, which means that the majority of the waters within the parks will still be available for people to undertake a range of recreational and commercial activities, including fishing.

The proposals released by the government this year included a little over 6 per cent of state waters in sanctuary zones. This is not expected to have a significant impact on the fishing industry—in fact, I am told the expected impact is around 1.7 per cent—yet this has not been acknowledged in the report. The committee has also not considered the benefits of marine parks, which are evidenced all around the world.

There have been over 30,000 South Australians involved in the consultation process undertaken by the government over the past three years, with 41 sessions conducted on marine parks. I have been advised that the government has received over 8,000 submissions on 19 marine park management plans, with the vast majority—85 per cent—supporting marine parks with sanctuary zones. The government has considered all submissions and will soon release the final marine park management plans.

The committee's report is somewhat dated, failing to fully consider the government-released draft sanctuary zones in April or the full suite of zoning released by the government in July, nor has the committee's report considered the marine parks management plans, which include independently prepared impact statements, which were released in late August.

Instead, the interim report relies on evidence received on preliminary zoning scenarios, rather than the draft zoning proposals that were released earlier this year. The committee has not considered this body of work and has instead relied on outdated information, making may of the recommendations superfluous.

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

The Hon. D.G.E. HOOD (17:30): I move:

That it be an instruction to the Select Committee on Marine Parks in South Australia that its terms of reference be extended by inserting new paragraph 1A as follows:

1A. That the select committee inquire into and report upon—

(a) the government's proposed recent amendments to the draft management plans and impact statements for each of the proposed 19 marine parks in South Australia; and

(b) any other related matter.

I think the Hon. Gerry Kandelaars alluded to the fact that the government has obviously made some new announcements this year; that is obviously true. I alluded to that in my contribution, as did the Hon. Carmel Zollo. The purpose of this motion is so that the committee can examine the new proposal. We will do that, and I believe we will do it fairly and look at the impact.

I think, clearly, in many regards, it is a step in the right direction, but I think it is also very fair to say—and indeed, I met with some of them this morning—that there are still people who are very legitimately concerned about the impact that this new proposal will have, and the committee intends to examine it carefully. With those very few words, I indicate that I will be making a more substantial contribution when we resume in February, and I seek leave to conclude my remarks.

Leave granted; debate adjourned.

TORO ENERGY

The Hon. M. PARNELL (17:34): I move:

That this council—

1. Notes:

   (a) that demonstrations will be held in Adelaide, Perth and Darwin to mark the Adelaide-based Toro Energy Ltd annual general meeting on Wednesday, 28 November 2012;

   (b) the Toro Energy Ltd uranium project near Wiluna, Western Australia, is located within a lake bed that floods periodically and poses potential risk of extinction or other adverse impacts on various species of flora and stygofauna;

   (c) that if the project is approved, Toro Energy intends to export uranium export oxide via South Australia; and

   (d) radioactive materials from all future uranium projects in Western Australia will be headed through South Australia on their way to either Darwin or Adelaide for export without consideration, public debate, planning or assessment in this state of the adequacy of current or proposed transport systems.

2. Calls on the government to reject the transfer of radioactive materials from Western Australia into South Australia.

This morning I attended a rally in Hindmarsh Square to coincide with the annual general meeting in Adelaide of Toro Energy. Toro Energy is a small company that has been exploring for uranium in a number of locations. It has never, in fact, ever conducted a uranium mine, but it now looks to have some but not all of the approvals it needs from the Western Australian government.

At the rally this morning, the representatives of the Australian Conservation Foundation and other groups which are opposed to the uranium industry handed out an alternative annual report, which I must say is a most impressive document and far more edifying than the official annual report, which glosses over all of the manifold problems with this particular company and its operations. In fact, I should point out that one of the prime authors of this report is the Conservation Council of Western Australia.

The report outlines the decline of the nuclear industry globally and the risks, the costs and the failures of the industry, which are currently the main barriers to any growth, and they do present a significant risk to shareholders and the company. So, it is an alternative annual report that is not all froth and spin and points out to shareholders the risks they may take to their hit pocket as well as the risks to which their company is subjecting the planet.

Toro Energy is a publicly listed mining company and, as I have said, it is proposing to establish its first uranium mine in Western Australia at Lake Way, which is near Wiluna, north of Kalgoorlie. This Wiluna project incorporates the Lake Way and the Centipede uranium deposits and a number of surrounding low-grade calcrete uranium deposits. There are no calcrete uranium mines in Australia, and there is only one active calcrete uranium mine in the world, and that is the Langer Heinrich mine in Namibia. That mine is owned by the Perth-based Paladin Energy, and it has had ongoing problems with its mineral processing.

Toro has uranium exploration projects in Western Australia, South Australia, the Northern Territory and Namibia but, as I have said, it has no operating uranium mines and no experience in mining at all as a company. Toro Energy submitted its environmental review management plan (or ERMP) for the proposed Wiluna uranium mine to the WA Environment Protection Agency in early 2011. There were 2,196 public submissions made to the EPA regarding Toro's Wiluna uranium proposal, and the overwhelming majority of those (more than 2,000) expressed opposition to the project.

The ERMP that Toro submitted to the EPA for assessment was at best a preliminary document, with key studies, data and management plans all missing. Much of that information has apparently been provided incrementally to the EPA but it is not in the public domain. The EPA made a recommendation to approve the mine, without any significant environmental conditions, without a number of essential management plans and citing economic incentives for an early approval.

You have to wonder at the mandate of the EPA and those who comprise the decision-making bodies when the environment plays second fiddle to economic imperatives in relation to

such a risky activity. Certainly, the process followed in Western Australia is very different from that which would be required here. Due to the high level of support from the current pro-uranium mining government in Western Australia, Toro Energy has been walked through the assessment process and has achieved state environmental approval but not yet the full set of required WA approvals.

The project continues to face strong public and political opposition in Western Australia. There are specific concerns with the Wiluna mine project, which include the following: firstly, as I said, it has no proven corporate experience in mining; secondly, the company has found new and possibly endemic samphire species on the site (*Tecticornia*), but it has not done any impact assessment on the plant and therefore still has not properly identified the species. I think it is a case of the less they know, the safer they think they will be.

The Department of Environment and Conservation in Western Australia has warned that the project should not be approved without proper and complete studies on the species. Lake Way is also home to a unique population of stygofauna, which is a newly-discovered species of subterranean crustaceans. The mine rehabilitation plans are incomplete, and Toro's preliminary costings for rehabilitation remain unclear and unpublished, and this is clearly inconsistent with industry best practice and community expectation.

Uranium mining and tailings disposal in this region would occur below the watertable and be connected to aquatic ecosystems, and that means that there is a risk of contaminating the aquatic ecosystems with changes in water chemistry, including the mobilisation of radioactive compounds. Toro Energy plans to line the sides of the tailings pits—which are shallow, open pits—but it is not proposing to line the base of the pit, and such an approach would lead to an increased movement and leakage of radioactive mine tailings.

In early 2012, a Western Australian government report into uranium mine regulations found that state tailings guidelines were outdated and flawed, yet they have been allowed to apply in this case. The legal requirements for tailings management at the Ranger Uranium Mine in the Northern Territory by contrast is effective isolation for a period of not less than 10,000 years. This requirement was also passed as a motion in the Legislative Council in the Western Australian parliament in March 2012.

This requirement should be a minimum standard for any proposed uranium mine in Western Australia, including at Wiluna. As I mentioned, no calcrete uranium deposit has been mined in Australia before, and the only deposit in Namibia has been plagued with problems. There is a lack of expertise and experience in engineering and mine design for these deposits, and they require complex and costly mineral processing techniques.

Toro has not factored in recent advice from the International Commission on Radiological Protection that radon is twice as carcinogenic as previously thought. Toro has irresponsibly promoted the fringe scientific view that low-level radiation is harmless or beneficial. Conversely, the company has done nothing to promote mainstream scientific understanding that even low doses of ionising radiation can increase the incidence of severe and adverse health impacts, including fatal cancers and other diseases. It appears to be a variation on the well-worn theme that toxic sludge is good for you; and there was a book of that title published some years ago.

Toro has not demonstrated a comprehensive understanding or analysis of the cumulative impacts of water extraction on the proposed mine. Toro has only identified and done impact assessment on water for the first seven years of a project with a planned life of 14 years. Toro has made the false assumption that the Wiluna region has naturally elevated radiation levels, and it has failed to submit accurate and complete evidence on the radiological environment at Lake Way and its surrounds.

Toro acknowledges the need for a formal risk assessment in relation to security risks; however, this has not been carried out. A mining agreement with the traditional owners has not yet been negotiated, and the heritage mapping survey which will inform negotiations has not yet been completed. There are local and community concerns and complaints about the way in which Toro has scheduled and conducted its public meetings and consultation processes.

During the project's public consultation period, Toro organised one community meeting in Wiluna. This coincided with a funeral. The funeral date was made before the Toro public consultation date was set. However, Toro declined to change its meeting date. This shows either a very poor understanding of the local community and a disturbing lack of sensitivity, or it was an attempt to limit genuine public engagement in Wiluna. Toro refused to hold another meeting,

instead choosing to organise a closed meeting with a few people the company has been negotiating with.

The final serious concern that directly impacts on us here in South Australia is not just that this is a company headquartered here in South Australia, but it is also the fact that it is proposing to use our state as a transport corridor. Wiluna is in a remote area. There is very little infrastructure and to get uranium from Wiluna to a port licensed to ship uranium is a journey through South Australia of 2,698 kilometres to Adelaide or 5,148 kilometres to Darwin. There is currently no port licensed to export uranium in Western Australia and unlikely to be one, as Fremantle is a progressive place that vehemently opposes the nuclear industry.

Despite these enormous distances, Toro has not submitted a complete transport management plan. The plans have been presented as a preliminary draft only. This toxic and radioactive product will travel many thousands of kilometres from Wiluna to Adelaide and/or to Darwin, and this is an enormous distance with significant risks, involving unwilling communities.

Similar to our concern over the transport of nuclear materials from Lucas Heights, we are concerned about this material coming through our state. Members would recall that I asked in question time earlier this year about the plan to take radioactive waste from the Lucas Heights reactor through South Australia. The best that minister Gago could offer at the time was to say:

> It is anticipated that the commonwealth would enter into discussions and keep the state fully informed of any future transport of significant quantities of radioactive waste through South Australia.

We have not seen any such plan or any such announcement in relation to this proposed transfer of radioactive material. The contrast with the attitude taken by former premier Mike Rann is rather incredible. Back in 2003, the state government was launching High Court challenges to prevent the transport and storage of radioactive waste through South Australia. Following that High Court victory, former premier Rann said:

> Eighty per cent of South Australians were opposed to the radioactive waste dump and particularly opposed to radioactive waste from Lucas Heights nuclear reactors in Sydney being brought across our borders and along our roads.

Back then former premier Mike Rann fought tooth and nail to stop the Howard government's plan to send nuclear waste from Lucas Heights along South Australian roads to a waste facility, yet we hear nothing now of interstate radioactive material coming across our border and through our ports. Times have certainly changed.

From the Greens' perspective, just as we were opposed to the Lucas Heights material coming through South Australia, we do not want to see this uranium coming through our state as well. It is bad enough that we are part of the nuclear cycle in our own right. As members do not like to be reminded—but I will remind them anyway—South Australian uranium was in the Fukushima reactors that have made parts of Japan uninhabitable and polluted the sea, and radioactive fish are being caught off the coast of California containing radiation that originated from uranium from South Australia.

That is sharing the love. That is what we do in this state. People who think that we are at some distant end of the nuclear cycle and we are not involved in the bit that is dangerous need to think again. This mine I think is something that we are going to hear more about. For now, it is important that South Australians know that our involvement in the nuclear cycle is about to become even deeper.

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

PUBLIC TRANSPORT

The Hon. M. PARNELL (17:49): I move:

That this council—

1. Notes—

   (a) The packed public meeting on Monday night at the Blackwood High School called by the Greens to discuss alternative services for commuters on the Belair train when the train line is closed from 2013 for up to eight months;

   (b) The serious concerns expressed at the meeting about the impact of the closure of the Belair line (along with the Noarlunga and Tonsley lines) on traffic congestion on southern arterial roads and the subsequent reliability of the substitute bus timetable;

(c) The range of positive alternative solutions proposed by the community, including boosting existing regular bus services along Shepherds Hill and Unley Roads, more scheduled express bus services and improved siting of the Eden Hills bus stop.

(d) The deep disappointment expressed at the meeting that the transport department had failed to adequately talk to the community first about what alternative services would work best for commuters; and

(e) That keeping the train running between Belair and Mitcham is not only technically viable, but cost comparable and delivers many benefits for commuters, and that this option, not surprisingly, remains the most popular alternative for Mitcham Hill residents.

2. Calls on the transport services minister to deliver on a range of options canvassed at the meeting, including—

(a) More scheduled express bus services in a revised timetable that is both credible and reliable;

(b) An increase in the number of scheduled existing bus services, including the G30 and 195/196 services;

(c) A review of the location of the proposed Eden Hills station substitute bus stop; and

(d) A commitment to consult better with affected commuters before, during and after the proposed rail closure.

I was very pleased to have been involved in such a successful public meeting as the one held in Blackwood on Monday night at the high school auditorium. It is always a bit hit and miss when, as members of parliament, we invite constituents to express their views on a topic. You never know whether you are going to get a room with six people in it or whether you are going to get something more substantial. What so pleased me was that, with not a huge amount of effort and not a considerable advertising budget, the Blackwood High School auditorium was full to almost overflowing. There were a couple of empty seats in a 300-seat auditorium, and on a week's notice that is a pretty impressive public meeting.

The people who attended were passengers and the parents and relatives of passengers who routinely use the Belair train line and who, like me, have been very nervous that the closure of that line next year would not be adequately managed by government and ultimately result in a mass departure from public transport. There were commuters there, there were schoolkids there, and a range of people well known in public circles. I will not embarrass them by going through the names, but there were quite a few people who are regular commentators on politics and other issues on radio. A large number of scientists were there and, overall, it was a well-attended meeting.

The frustration I have is: why do the Greens have to call a meeting like that when the government has known for months and months and months that they were going to have to deal with the consequences of closing the railway line? It was not something that snuck up on people, and the fact that I had to call a meeting just over a month out from the closure of the railway line is quite a disgrace, really, because we were doing the job the government should have done.

The anger in the room was palpable, but the people of the Mitcham Hills were restrained as always, and transport minister, Chloe Fox, did not require an undue level of protection, notwithstanding, as I say, the anger that was in the room. The concerns expressed by people fall into a number of categories. The first thing that people were worried about was that, when the train lines are out, including the Noarlunga line and the Tonsley line, traffic congestion is going to increase. Some people are simply resigned to that; others rail against it (no pun intended) because they see it as an unnecessary consequence. If we can keep people on public transport, that reduces congestion on our roads.

People were concerned that the replacement bus timetable offered was the same as the failed timetable that was introduced in 2009. I say 'failed' because most people tried it once, maybe they tried it twice, and then they never used it again because it was a complete disaster. It was unreliable and it took three times as long to get anywhere. There was concern expressed in relation to the fire danger period and what road congestion would mean to that relatively small number of arterial roads that provide escape routes from the Mitcham Hills.

The meeting was positive to the extent that people were putting forward alternative ideas as to how the situation could be managed. These ideas included providing more facilities for people with disabilities or with limited mobility. Issues were raised around the buses on winding, hilly roads and how we could minimise the prospect of people getting ill on those buses, and that was a

common theme. People took the opportunity to raise all manner of issues around the existing bus services through the Mitcham Hills and how inadequate they were. In fact, a large list of concerns was raised.

The main outcome of the meeting, I think, was that the commuters on the Belair line went into the meeting with the offer of only stopping all-stations milk runs that were going to take well over an hour from the Mitcham Hills into the city. They came out of the meeting with the minister having promised 14 express buses. As that issue was explored further, it was revealed that they might not really be express buses because they were still going to stop at about four or five places before they got to the city, but the point is that if the Greens had not called a public meeting and attracted 300 people the government would not have offered these extra 14 services, so that is a win.

Some of the easier and in many ways more logical improvements were not embraced by the government, and they include the option of boosting the existing regular bus services that run along Shepherds Hill Road and Unley Road—services such as the G30 and the 195/196. What upset people more than anything was that, having put these ideas forward, the only response from the department was that it would monitor the situation.

People were quite incredulous at the idea that passengers could be expected to turn up to a train station, wait for the replacement bus, not know whether it would be an express or a milk run, and for decisions about where they went and how long it would take to be made on the spot, yet that was the service the government was offering.

There was deep disappointment at the meeting that the transport department failed to talk adequately to the community, first, about what alternative services would work best. In fact, much was made of the fact that some 800 people provided feedback to the government on its feedback forms, yet the substitute services offered were pretty much identical to the discredited services from 2009. That had people wondering what was the point of making those submissions.

It is an example of the 'announce and defend' model being used when the 'consult and decide' model would have been more appropriate. I have no doubt that, if the government had spoken genuinely with the community first, it would have come up with a far better alternative service. People were angry that they were not asked about what would work for them but were told what they could have.

Another revelation that came from the meeting (and I will not speak to it at great length, because it was actually the subject of another notice of motion I put on the agenda), with the idea of keeping the train running between Belair and Mitcham, was that the government admitted that not only was it technically viable but that it was cost comparable to the replacement bus services they were offering, and that it delivered a great many benefits for commuters.

So, notwithstanding the explanation from Mr Rod Hook and a wealth of other bureaucrats at the meeting, having heard all the arguments for and against, the vast majority of people thought that that was still the best option. That is, in some ways, counter-intuitive because I am sure transport planners think you avoid having to change services, but the people of Mitcham Hills were saying that they wanted the train to keep going to Mitcham and that they would get on a bus from there.

On Monday prior to the meeting I received an email from a constituent. I do not have his permission to name him, because he is a fairly recently retired senior public servant in the transport area. However, I will read some of what he had to say about the viability of that option, as follows:

> I have some considerable experience in the suburban train network and would be very surprised if a limited service of trains continued between Belair and Mitcham, connecting with bus services, could not be established with a 'can-do' attitude. There is capacity at Belair and Blackwood to store enough rail cars for the service which with a small amount of timetabling work could be set up. Refuelling can be done by mini road fuel tanker as adapters are available for the special railcar fuel caps.
>
> If rail cars which had just undertaken their 'F' or major service were selected, they could be quarantined at Belair for the duration of the closure, with daily and other safety checks made at the Belair depot. There is a capacity to have a surplus of rail cars at Belair, as there would be less required for a daily service as suggested during the closure, than is required for the current daily service into Adelaide. Again a simple timetabling exercise would establish this, thus providing some 'spares' at Belair.
>
> Barring any catastrophic failures, the railcars should be reliable enough to last the six months with regular minor safety checks and servicing. This I am certain would deliver a much better outcome for commuters on the Belair line and at a lesser cost to government than managing more buses into the hills, which may experience exposure to significant fire danger periods early next year during the train line closure.

We know after having received that email the government confirmed that it is a cost comparable option. It is technically feasible. The risk of breakdown can be minimised through the maintenance regime and it is the option with overwhelming support in the community. Finally—

The Hon. G.E. Gago interjecting:

The PRESIDENT: You don't have to be railroaded, the Hon. Mr Parnell. No pun intended. I'm out of order!

The Hon. M. PARNELL: No, I won't be railroaded. Finally, this motion calls on the transport services minister to deliver on a range of options that were canvassed at the meeting. I will run quickly through what they were: more scheduled express bus services in a revised timetable that is both credible and reliable, increase in the scheduled existing bus services including the G30 and the 195/196, review the location of the Eden Hills stop, and a commitment to consult better with affected commuters before, during and after the rail closure. That is important because we need to make sure that the services meet needs.

It is a colossal waste of everyone's time and money for empty buses to be trundling through the winding streets of the Mitcham Hills. The government can and must do much better. From the Greens' point of view, I will be watching the revised timetable that comes out hopefully in the next few days. I am pleased that the community has managed to achieve some clawback via the promise from minister Chloe Fox for express services. Whilst I am disappointed that it had to be the Greens to call a public meeting and extract this concession, I am pleased that we have at least got that small change, but we will not be satisfied until we are confident that the government is listening to the people affected by its decisions.

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

[Sitting suspended from 18:02 to 19:46]

SELECT COMMITTEE ON DISABILITY SERVICES FUNDING

The Hon. D.W. RIDGWAY (Leader of the Opposition) (19:46): On behalf of the Hon. Michelle Lensink, I move:

That the time for bringing up the committee's report be extended until Wednesday 24 July 2013.

Motion carried.

SELECT COMMITTEE ON LONSDALE-BASED ADELAIDE DESALINATION PLANT

The Hon. T.A. FRANKS (19:47): I move:

That the time for bringing up the committee's report be extended until Wednesday 24 July 2013.

Motion carried.

SELECT COMMITTEE ON DEPARTMENT FOR CORRECTIONAL SERVICES

The Hon. T.J. STEPHENS (19:47): I move:

That the time for bringing up the committee's report be extended until Wednesday 24 July 2013.

Motion carried.

SELECT COMMITTEE ON MARINE PARKS IN SOUTH AUSTRALIA

The Hon. D.G.E. HOOD (19:48): I move:

That the time for bringing up the committee's report be extended until Wednesday 24 July 2013.

Motion carried.

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

The Hon. M. PARNELL (19:48): On behalf of the Hon. Ann Bressington, I move:

That the time for bringing up the committee's report be extended until Wednesday 24 July 2013.

Motion carried.

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

The Hon. S.G. WADE (19:49): I move:

That the time for bringing up the committee's report be extended until Wednesday 24 July 2013.

Motion carried.

SELECT COMMITTEE ON SCHOOL BUS CONTRACTS

The Hon. D.W. RIDGWAY (Leader of the Opposition) (19:49): I move:

That the time for bringing up the report of the committee be extended until Wednesday 24 July 2013.

Motion carried.

SELECT COMMITTEE ON LAND USES ON LEFEVRE PENINSULA

The Hon. M. PARNELL (19:49): I move:

That the time for bringing up the report of committee be extended until Wednesday 24 July 2013.

Motion carried.

BUDGET AND FINANCE COMMITTEE

The Hon. R.I. LUCAS (19:50): I move:

That the time for bringing up the report of the committee be extended until Wednesday 24 July 2013.

Motion carried.

SELECT COMMITTEE ON WIND FARM DEVELOPMENTS IN SOUTH AUSTRALIA

The Hon. D.W. RIDGWAY (Leader of the Opposition) (19:50): I move:

That the time for bringing up the report of the committee be extended until Wednesday 24 July 2013.

Motion carried.

SELECT COMMITTEE ON COMMUNITY SAFETY AND EMERGENCY SERVICES IN SOUTH AUSTRALIA

The Hon. D.G.E. HOOD (19:50): On behalf of the Hon. Robert Brokenshire, I move:

That the time for bringing up the report of the committee be extended until Wednesday 24 July 2013.

Motion carried.

WORKERS REHABILITATION AND COMPENSATION (PROTECTION FOR FIREFIGHTERS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 14 November 2012.)

The Hon. G.A. KANDELAARS (19:51): At this stage, the government opposes the Hon. Tammy Franks' proposed bill. On 5 November 2012, the Premier announced that career firefighters who contracted certain types of cancer would not have to prove the causation from their employment. The onus of proof would be on the employer to prove that the cancer was not caused by their job as a firefighter.

Overseas studies have shown that full-time firefighters are at greater risk of developing certain types of cancer, against other occupations, through direct exposure to carcinogens released by combusting materials. The state government values the important role our volunteer firefighters play in keeping our community safe and we have committed to look at whether volunteers may also be accommodated.

The government will consider the scientific evidence in relation to the types and lengths of exposure when considering whether volunteer firefighters' exposure to active firefighting and the related carcinogens is likely to be at a level that would also make it appropriate to reverse the onus of proof. The government believes that the scientific evidence will need to be clear, if volunteers are to be included.

It is worth noting that even Adam Bandt, the federal Greens MP who introduced the bill on this matter in the federal parliament, did not support the inclusion of volunteers at this time. He

stated in *Hansard* on 31 October last year that '...if it is the case that, at some later stage, volunteer firefighters consider they can mount a similar, science based case to be included in this, then they are in a position to do that.'

Monash University is conducting a study of cancer, mortality and other possible health outcomes in South Australian and New Zealand firefighters, including how best to consider career and volunteer firefighters with respect to their exposure. The government will consider this, along with other science-based evidence.

A new regulation to address firefighter cancer is expected to be enacted by 1 July 2013, which will provide the government with enough time to investigate its options. Irrespective of this being applied to professional or volunteer firefighters, it cannot be retrospective.

Finally, it is important to note that no firefighter—whether full-time or volunteer—is precluded from lodging a worker's compensation claim under the current arrangement nor under the proposed changes. Under the current arrangement, any claim would simply be considered under the usual requirement of establishing that the injury occurred due to firefighting services.

The Hon. R.I. LUCAS (19:54): I rise on behalf of Liberal members to speak to the second reading of the bill. The Liberal Party has not resolved a position finally in relation to this bill but, unlike the government's position, we will support the second reading of the bill to allow the continuation of debate during the committee stage. We have indicated a willingness to support any vote at the second reading today but will indicate now that we are not prepared tonight, if the mover decided to proceed to a third reading, to support the bill at the third reading stage.

The brief history of this from my viewpoint is that, on 5 November, the Premier and the Treasurer announced that the government was going to introduce changes to the Workers Rehabilitation and Compensation Act to recognise specific cancers that they said worldwide research had recognised as being more prevalent in firefighters, and the Premier's announcement, as has been indicated by other speakers, was limited to MFS firefighters and failed to extend to volunteer firefighters.

As one might expect, there has been a very strong negative response from volunteers to the government's decision. I have a copy of a letter from Sonia St Alban, Executive Director of the CFS Volunteers Association to the shadow treasurer, Iain Evans. In that letter, she says:

> The Premier's announcement is totally unacceptable and has created a great deal of anger amongst CFS volunteers who give their time generously to protect communities across South Australia and assist the MFS at times of high demand. CFS volunteers contribute not only their time, but also the expense of travelling to stations, telephone calls and other incidentals for which they receive no recompense.

In further correspondence to my office, the CFS Volunteers Association has indicated that:

> (a) The Workers Rehabilitation and Compensation Act as it currently stands recognises volunteer fire fighters and provides them with the same protection as paid fire fighters, and therefore should presumptive illness be awarded to MFS firefighters it will create a system that discriminates against volunteer fire fighters, although under many circumstances, they all perform the same duties.
>
> (b) Studies conducted in various countries unanimously concur that firefighters have a higher probability of contracting one of 12 specific cancers.
>
> (c) MFS and CFS firefighters attend similar if not the same incidents which means exposure to the same hazards and toxic fumes as fire does not discriminate.
>
> (d) Whilst the CFS is often perceived as a 'bush fire' response group, that is far from true, as CFS volunteers are located in areas throughout the Adelaide Hills and the northern suburbs and include brigades at Tea Tree Gully and Salisbury—which are certainly not rural areas. Incidents attended by the CFS include hazmat, vehicle accidents and structure fires.
>
> (e) The Premier's announcement has many volunteers questioning their value and worth as volunteers.
>
> (f) The use of the term 'professional' by the Premier in relation to MFS firefighters has raised the ire of many volunteers who rightly consider volunteers to be professional, as remuneration is hardly a benchmark for professionalism.

I must say that that last point has been a consistent theme from volunteers: outright anger at in essence what they see as the Premier's dismissal of them as being unprofessional, by inference. That is, by referring to the MFS as 'professional firefighters', the CFS volunteers, by inference, have taken great offence at Premier Jay Weatherill's approach to this particular issue, as this letter to my office indicates. Clearly, as we see from the contribution of the Hon. Gerry Kandelaars this evening, he is supporting his Premier's position in relation to this issue.

On behalf of volunteers, and those who represent volunteers, I pass on advice to the Hon. Mr Kandelaars and to the Premier that the distinction between the MFS and the CFS by the use of the term 'professional' has created great anger and perhaps is something that the Premier may well like to reconsider in his further discussions on this and related legislation.

Within our party room there is considerable sympathy from a number of members for, firstly, the notion of providing some additional assistance, as announced by the government, in relation to MFS firefighters and also in relation to the point made by volunteers that, if it is to be provided to the MFS firefighters, then there is an equivalent argument for that same level of assistance or recognition be provided to at least some if not all CFS firefighters as well.

That was announced by the Premier on 5 November. Almost two weeks later, on 14 November the Hon. Tammy Franks introduced this bill into the Legislative Council; so, nine or 10 days after the Premier's announcement, the Hon. Tammy Franks introduced this bill. As she outlined in her second reading, she had been working on this bill for quite some time, and as I understand it, actually had confidential discussions with the government, or its representatives, in relation to the proposition of introducing some version of legislation. The Hon. Tammy Franks is obviously in a better position to know the precise nature of the discussions that she had with the government representatives, but she indicated in her contribution that she had been working on it for some time, and then the government went ahead and made this announcement on 5 November.

I am the shadow minister responsible for this particular area. I understand from a discussion with the Hon. Tammy Franks that some weeks ago she had a discussion on the issue with a member of the Liberal parliamentary party room, Peter Treloar. As the shadow minister for workers compensation, I have carriage of the legislation, so my first exposure to the thoughts behind this particular issue was on or just after 14 November, when the Hon. Tammy Franks introduced the legislation.

So, from our viewpoint, just on two weeks later, coming to a final conclusion on the bill it was impossible for us; well, it was easy enough I guess. If we do come to a final conclusion we will have to vote against it at the third reading today, however, given that we do not have enough evidence or have not had enough consultation with all stakeholders in relation to the issue.

There is enough support within the parliamentary Liberal Party to support the second reading to allow continued discussion of this, with the possibility of some members in this chamber next year moving amendments if need be in the committee stage and, ultimately, we reserve our position on the third reading as to whether we support this bill or oppose it, as it appears would be the government's position, given the statements from the Hon. Mr Kandelaars, the Premier and other ministers over the last few days.

I think the other important issue in relation to this—and I do not think we can gloss over it too quickly—is that WorkCover is a cot case in South Australia at the moment. After more than 10 years of Labor government mismanagement in South Australia, there has been a report tabled in the last 48 hours in this parliament from the tripartisan occupational health and safety committee of the parliament which highlights the fact that in just over 10 years we have gone from a position of an unfunded liability of around about $50 million to an unfunded liability of $1.4 billion and climbing. With that, sadly, we also have the worst return to work rates for injured workers in the country and the highest premiums; and, as I said, it is a legislative administrative cot case in terms of the administration of the scheme.

So, any decision that a parliament takes which potentially adds to the financial challenges for the scheme need to be fully considered. There is nothing so far in the debate from either the mover or, indeed, from the government (which is opposing it at this stage) to indicate what WorkCover says is the impact of the government's scheme, to be fair, which is just to limit it to MFS but also to extend it to CFS firefighters as well. Certainly from the Liberal Party's viewpoint, and potentially from an alternative government's viewpoint, we do not believe you should make decisions like this before you actually get the facts; that is, WorkCover needs to indicate to members in this chamber what the impact might be of both the government's move and the extension of that in this scheme.

I have heard some who are supporting the extension of the scheme to both MFS and CFS firefighters saying it will have very little impact and there will be only a limited number of firefighters who will be caught up in the new provisions. I am not in a position to dispute that because I do not know whether that is the case or not, but we need to have that evidence provided

to the committee before we sign off on something. As I said, you have a scheme which is a cot case, it is haemorrhaging as we speak and climbing to an unfunded liability of $1.4 billion, so the parliament needs to have the facts before it signs off on anything which might add to the financial challenges of the scheme.

The other point I would make—and I do this just as a personal and individual point: I do not at this stage indicate that anyone other than myself necessarily raises this issue—is that I start from a principle that I need to be convinced as to the good sense of just making an assumption that because someone has a particular nominated cancer (this is, in essence, the whole argument for the government's bill, which we have not seen yet) it is automatically assumed to have come from having fought a fire.

The facts as I see them from those who support the bill are that a number of studies worldwide have highlighted the evidence that firefighters have had much higher percentages of certain cancers than others in the general community. I think the Hon. Tammy Franks has highlighted, and so has a Senate committee report, some of those studies. Certainly that is evidence which would indicate that, for a number of firefighters, their job has potentially created the conditions for the contracting of cancer.

Again, we have not seen the government's bill, which makes it difficult, but I would imagine it is going to be structured relatively similarly to the bill from the Hon. Tammy Franks but that is just an assumption. The issue that you can automatically make an assumption that because you have got a certain type of cancer it has come from firefighting is a huge jump, and I think even the proponents have to concede that in some cases that will not be correct. In some cases, there will be a firefighter who gets a particular cancer who may well have contracted it from any number of other causes.

I do not think that anyone could dispute that that is a potential fact in relation to some cancers contracted by some firefighters, because the studies have basically indicated that there is a higher percentage of certain cancers amongst firefighters than others. But, equally, any number of other lifestyles choices, or indeed even work choices—

The Hon. T.A. Franks: Not that WorkChoices?

The Hon. M. Parnell: He's brought back WorkChoices!

The Hon. R.I. LUCAS: A small 'w', as opposed to a capital 'W'—prior to being a firefighter or in the case of—well, not necessarily just in the case of the CFS, because if one looks at the MFS, there are a number of firefighters who have other occupations and jobs as well. Having been associated with the West Adelaide Football Club, I know full well that some MFS firefighters not only play football, they have other occupations in addition to being an MFS employee as well.

So, it is clearly a possibility that a firefighter who contracts one of these cancers has got it from his or her work (that is, firefighting), or it is possible that a firefighter might have got it from some other cause as well. I do not think anyone can dispute that. The government's proposal suggests that they have obviously been quite comfortable to jump that particular step.

The Hon. Tammy Franks says, 'Well, if you're going to do it for MFS, it should be equal for the CFS,' and some of the correspondence from the volunteers says the same thing. In essence, it says, 'If you're going to do it for the MFS, you have to do it, in our view, for the CFS as well.' I am putting forward a personal view; this is not a Liberal Party view because, as I said, there is considerable sympathy from a number of members in our party room for jumping this principle for both MFS and CFS firefighters. But, I think it is a point that is worth discussion and debate in relation to this particular issue.

If we do it for this, do we then for WorkCover do it for a range of other occupations in relation to reversing the onus? If you get something and you happen to work in a certain occupation, and that occupation can demonstrate that there is a higher percentage of cancers, then is it automatically assumed? We have seen a recent debate with ABC TV employees in Queensland, I think, where there was a much higher percentage of a particular type of cancer, to the extent where they actually had to close down that particular location for a period of time. That is a specific example, but there are probably—

Members interjecting:

The Hon. R.I. LUCAS: I am just diverted, Mr Acting President, with that intrusion. I am sure I was making a powerful point, but it has completely gone now.

The Hon. S.G. Wade: It was.

The Hon. R.I. LUCAS: Yes, exactly; I just can't remember what it was now. Had I got past work choices? But, anyway, I think the point I was making was in relation to some recent publicity about the ABC facilities in Queensland, where there was a major campaign from the ABC Staff Association in relation to the much higher percentage of cancers. There are a number of other examples like that.

Ultimately, I think if we are going to make this jump where we say collectively as a parliament that we are going to just assume, for a number of occupations, that if you get this particular type of cancer or disease then it is automatically assumed that you got it from your work, even though you might have been exposing yourself to carcinogens or other hazardous substances in either your private environment, your previous work environment, or a second work environment whilst you have been working as an MFS or CFS firefighter.

So, I think that is an issue that warrants further debate, certainly within our party room, before we come to a final landing on it, and a debate in this parliament before we sign off or not sign off on the legislation. The open invitation that I, on behalf of the Liberal Party, put to all stakeholders involved in this is to put a point of view to certainly Liberal members in relation to this issue.

As I have said, it is not just an issue for the firefighters, although it is obviously of pre-eminent importance for them. We have written to stakeholders, such as business and industry groups and others, because ultimately, if it increases the cost of the scheme, it will be employers and many other stakeholders who will have to pay the increased premiums relative to other possibilities to provide the additional benefits envisaged under the government's bill and under this bill as well.

It may well be that the parliament, including my party room, believes that, if there is an additional cost, that is a cost well worth meeting. If there is an additional element to the unfunded liability, that is an implication that is worth the parliament accepting. I do not rule out the fact that my own party room may well come to that conclusion after it has had the opportunity to get feedback from other stakeholders.

In the relatively short time since 14 November, the only two groups that have responded to the Liberal Party have been the volunteer firefighters who, obviously, for many months have been actively engaged in this debate, and Business SA, which says it had not been but it gave us a very quick response in relation to the bill.

I guess that, to be fair to Business SA, we should indicate that it has evidently been told that the government is engaged in what I do not think it says is a root and branch review but a substantial review of the WorkCover scheme and the workers compensation legislation in South Australia. Having been told that by representatives of the government, it believes that this issue should not proceed at this stage but should proceed when the government comes back with its comprehensive package of changes to the WorkCover scheme.

Indeed, I think that the Premier, at the Labor Party Convention in about October, indicated that he was wanting to have another look at WorkCover. I guess the government does not believe that it did enough damage in the last round in terms of 2008 and its management for the last 10 years; it is going to have another go at it in the period leading up to the election, or perhaps make promises in the period leading up to the election, in an attempt to curry favour with groups the government may well have upset over recent years with its recent positions on the legislation.

Certainly, Business SA, having been told this has said, 'If the government is going to introduce a comprehensive package of changes, this ought to be considered as part of that comprehensive package of changes.' It may well be that the Hon. Tammy Franks, in responding, can indicate whether she has seen a draft government bill; we certainly have not. It may well be the fact that the government has announced it in November but it is delaying it until next year because maybe it does have a package of changes which will incorporate this as just one element of the package of changes, and perhaps we will see that package changes in the February session if that is the case.

With that, we indicate that we are prepared to support the second reading to allow continued debate on the bill, but we will be voting to either report progress immediately after the second reading vote or clause 1 of the committee stage of the bill. If, however, a vote was forced on the third reading tonight, we would be forced into a position of having to vote against the third

reading, not because at this stage we want to but because at this stage we are not in a position to have formed a final judgement on the third reading.

The Hon. J.A. DARLEY (20:19): I commend the Greens, the Hon. Tammy Franks in particular, for taking the initiative on this issue. I can see no reason why those who volunteer their time and risk their lives for the benefit of the community should be treated any differently from paid firefighters in terms of eligibility for workers compensation.

CFS volunteers play a vital role in emergency situations not only in this state but across the whole of Australia. Those who are willing to put up their hand and offer their assistance should not be penalised if later in life they suffer from an illness as horrendous as cancer as a result of their voluntary work. I would be interested to know, either from the government or from the Hon. Tammy Franks, whether any sort of cost analysis has been done on this issue. Notwithstanding that, I will be supporting the second reading of the bill.

The Hon. K.L. VINCENT (20:20): I wish to put on the record very briefly Dignity for Disability's support for the Hon. Ms Franks' private member's bill. Indeed, I also congratulate her on this initiative. While the government had the opportunity also to support protection for our volunteer CFS firefighters when the Premier made this big announcement in November, it did not.

CFS firefighters provide an extraordinary service to our community, particularly in country and regional areas. Every time there is a fire or other incident in an area not serviced by the MFS, these volunteers disrupt their lives and, indeed, risk their lives, often leaving their paid work or hauling themselves out of bed in the middle of the night to protect or assist us or the rest of the community. Not showing them the respect of giving them the same protection and acknowledgement of their work as their paid MFS colleagues is, I believe, highly offensive and very disappointing.

In fact, I have to say that I was particularly infuriated by what I see as blatant cheek on the government's part by responding to a Dorothy Dixer question today, when we were told what a wonderful job this government has done in terms of promoting and protecting volunteers, especially when the government is surely aware of just how much community outrage there is about this. I personally found that particularly offensive, so I cannot imagine what the people who are volunteer firefighters will feel when they read today's *Hansard* and that particular section.

I would also like to add that, from my personal perspective, I was appointed to this chamber with the core business of protecting and promoting the rights of people with disabilities and, where relevant, people with chronic and disabling illness, and I do not see why cancer cannot be classified as such, so I certainly feel obligated to support this bill on that front. I will also say that I consider the government's approach of not supporting this bill as quite contradictory to the philosophy that the government has purported to support under the incoming National Disability Insurance Scheme.

We have been told by the government time and again that this is all about creating autonomy and the right to self-determination and so on for people with disabilities. I believe the reason the scheme needs to be implemented is that for so long those rights have not been implemented for people with disabilities, as they have to people without disabilities. I believe that this should be an opportunity for the government to start providing the same rights to all people.

I consider it very hypocritical to start saying that from now on, regardless of how you acquire your disability, you are eligible for the same protection, for the same services, for the same rights and so on and yet not apply that same philosophy to people who contract cancer because they undertake the work from a different position. To me, that is blatantly hypocritical and against that philosophy. Again, it really calls into question, to my mind, the government's true commitment to those philosophies.

I also have to raise the point that personally if I were dragged out of a burning building (or whatever else it may be) by a firefighter I would not care in any way whatsoever whether that firefighter were a volunteer or a so-called professional—although I would argue that volunteers are also professional because they have a lot more training in fighting fires than I do, so I do not feel that I have the right to discriminate on those grounds either.

I would not care if they were labelled as a volunteer or a professional; and, quite frankly, I would take personal offence if I were to find out that—and, I guess, in this context it is appropriate to use these words—my hero had acquired an illness from saving me from that incident. I would take it as a personal hurt and feel great sorrow if I knew that that person to whom I owed that great

debt was not eligible for the same protections, regardless of the fact that they risked their life to save mine, and I believe that I am not the only person in the community who feels that way—I would certainly hope not, at least.

I commend the second reading of this bill to the chamber and sincerely hope that it gets the support of the council. Of course, it seems that this bill is not going to at this stage, but I must say that it would be particularly good to see support from the members of the old parties since they seem to be enjoying being in cahoots with each other on a number of issues today.

The last point I will make is to reiterate one that was made at the press conference that the Hon. Ms Franks held when she first went to the media about this particular bill. I am afraid I cannot recall exactly who said it, and I am paraphrasing them, so perhaps the Hon. Ms Franks can assist me a little here.

The Hon. T.A. Franks: Evelyn O'Loughlin.

The Hon. K.L. VINCENT: She has already jumped the gun; I think she knows precisely what I am about to say.

The Hon. T.A. Franks: The CEO of Volunteering SA&NT.

The Hon. K.L. VINCENT: Yes. When fires and smoke that can cause damage from inhalation, and so on, and when those things have the ability to discriminate between volunteer firefighters and professionals in terms of choosing not to make them ill, then we have the right to discriminate against them. Until then, we do not. I commend the bill.

The Hon. A. BRESSINGTON (20:26): I also rise to indicate my support for the Hon. Tammy Franks' Workers Rehabilitation and Compensation (Protection for Firefighters) Amendment Bill 2012. In doing so, I join the honourable member's condemnation of this Labor government for not providing coverage to our invaluable Country Fire Service volunteers in its proposed regulation under the Workers Rehabilitation and Compensation Act to reverse the onus of proof when claiming compensation for fire-related cancers.

Our federal counterparts have undertaken a comprehensive review of the scientific literature through the Senate Education, Employment and Workplace Relations Legislation Committee, and expressed in their report their confidence that the causative link between firefighting and an increased incidence of certain cancers had been demonstrated beyond doubt. In recognition of this, the government seeks to be the first in the nation to presume that certain cancers contracted by a paid firefighter who has served for a qualifying period have been caused by the inhalation of carcinogens while extinguishing certain fires. The honourable member's bill, however, would rightly extend the same coverage to volunteer firefighters and preserve the equality they currently enjoy under the Workers Rehabilitation and Compensation Act.

South Australia has long recognised volunteer firefighters as workers for the purposes of that act and in doing so has extended coverage to them for injuries sustained whilst serving their communities, yet the government seeks to renege on this recognition and only provide protection to their paid Metropolitan Fire Service counterparts for work-related cancers. Carcinogens do not discriminate, and certainly not on whether one is paid. CFS volunteers in our regional and rural areas fight the same types of fires as the Metropolitan Fire Service—and, as was made plain by Ms Sonia St Alban, the Executive Director of the CFS, at the press conference I was invited to attend by the Hon. Tammy Franks, they often fight fires alongside their metropolitan counterparts.

There is simply no logical rationale for excluding them from this scheme. Under this bill, to be eligible firefighters—be they paid or not—will be required to have actively served for a qualifying period of varying length depending on the primary site of the cancer they have been diagnosed with. As an example, a firefighter who is diagnosed with primary site bladder cancer will be presumed to be covered under the act if they have actively served for 15 years.

Whilst we are yet to see the government's schedule of cancers and the qualifying period of service required for the onus to be reversed, I have no reason to believe it will vary greatly from that proposed in the bill before us. So, to be eligible, volunteers must commit a significant portion of their non-professional lives to the CFS and to the protection of our rural communities. For the government to somehow distinguish their service over such periods from that of their metropolitan counterparts is offensive, to say the least.

Yes, we will be the first state to provide presumptive coverage to firefighters with certain cancers, however, this is no excuse to be cautious and discriminate against volunteers. We should

be setting an example for all other states. I, like the Hon. Kelly Vincent, can barely cope with the hypocritical attitude of this government. The spray that the Hon. Mr Hunter led against me during question time, stating that I do not value volunteers in this state, yet where is he on this issue? How hard is he fighting for the rights of our CFS workers to be treated equally?

An honourable member interjecting:

The Hon. A. BRESSINGTON: We will not even go near WorkCover and the hypocrisy of this government. That is a whole other five-hour speech.

Members interjecting:

The Hon. A. BRESSINGTON: We will not go there. I am sure there will be plenty of opportunity to do so, though. So, I support the Hon. Tammy Franks and the intention of the bill. I believe this government is obligated to live up to the rhetoric and truly support our volunteers in meaningful ways, not with cheap words in this place, but through action. I commend the bill to the council.

The Hon. B.V. FINNIGAN (20:31): I support the second reading of the bill. I am not sure what is to be gained by going to a third reading this evening, given that there will be legislation with regard to this next year, I assume, whether it be part of a broader package or not, given that the government has announced it. The studies and the evidence is so clear about the increased risk of firefighters to certain cancers that, rightly so, the government has acknowledged that in its decision.

It does seem extraordinarily incongruous and, frankly, inexplicable as to why CFS firefighters would not have the same sort of exposure, given that CFS firefighters in many large towns attend house or business fires, chemical spills and road accidents and, of course, fight bushfires. So, apart from the fact that they might not be dealing with a towering inferno skyscraper situation, which mercifully is extremely rare anyway, it is hard to see how the exposure or the potential risk is different between MFS firefighters and CFS firefighters. I assume the MFS continues to employ part-time firefighters in country areas, who are—

The Hon. T.A. Franks: Two hundred and twenty of them.

The Hon. B.V. FINNIGAN: Two hundred and twenty of them, I am advised by the honourable mover of the bill, and I assume those people would be covered. Now, they are paid, but they are volunteers. You volunteer for the army, it does not mean you do not get paid. The pure fact of paid or unpaid should not be the determining factor because country cities rely very much on those part-time people and I very much doubt that a lot of them are doing it solely for the remuneration because that is not necessarily what motivates people to get out of bed in the middle of the night and attend house fires, it is also that they want to be of service to their community.

Those people are very important in the service that they provide, and I am assuming they would be covered by the government announcement, so it is hard to see how CFS volunteers would be different. I appreciate that there will be an opportunity next year to put more evidence and information forward with regard to this so that all honourable members can consider it further.

The Hon. T.A. FRANKS (20:34): I do also note that the Hon. Robert Brokenshire was going to make a contribution this evening, but I am sure that he will be able to do so in clause 1. I thank those members who have made a contribution tonight: the Hon. Gerry Kandelaars, the Hon. Rob Lucas, the Hon. John Darley, the Hon. Kelly Vincent and the Hon. Ann Bressington.

I first address some of the points made. I take heart from the commencing sentence of the Hon. Gerry Kandelaars' speech on behalf of the government, where he said that at this stage the government is not in a position to support the bill that we have before us, which of course would provide coverage for not only the government's announced 'full-time paid professional firefighters' but also other firefighters in this state. I do not choose to use the word 'professional' when I refer to firefighters in this state. They are all professional, whether they are unpaid or paid. We have chosen to delineate the terms 'career' and 'volunteer', but they are both professional groups.

I note that there has been concern raised by some in the community that the government's announcement perhaps does not apply to retained firefighters within the MFS. Certainly I look for some clarity from government in their announcement on that. There are more than 1,100 staff in the MFS across 36 stations (20 metropolitan and 16 regional) in South Australia, and I understand that that workforce includes 885 full-time and 220 retained firefighters and non-operational management and support staff.

What I would re-emphasise here tonight is that this bill applies to firefighters. It does not apply to somebody who is not engaged in the act of fighting fires. Indeed, it would not cover cancers in terms of the reversal of the onus of proof for all of those MFS employees. It would only cover the firefighters. I do look for clarity from government about whether permanent and retained firefighters will be covered by their legislation. I also note the use of the word 'full-time'. Again, that raises some concerns, not only with me but also from others in the community who have expressed these reservations to me.

What I would say with regards to the Hon. Gerry Kandelaars' speech is that the Greens member for Melbourne, who in fact instigated this bill at a federal level unsuccessfully, had always wanted firefighters who were volunteers and career firefighters to be covered. He was not able to get the numbers on that. I do see that I do not have the numbers for a third reading vote on this bill tonight, so I indicate to members that I will not be progressing beyond the second reading, but I welcome the fact that people have been open to the debate and supportive of hearing the arguments.

What I would say about that federal bill is that the nature of the volunteer firefighting that that bill looked at with regard to the jurisdiction that the commonwealth parliament has was in fact very different to the nature of the fires fought in this state by the CFS. While they have the name the CFS, which of course stands for Country Fire Service, that is a misnomer because, as we have heard tonight, and as you will hear no doubt in coming months, Salisbury and Tea Tree Gully are hardly the country. Indeed, in the country it is not only grassfires and bushfires that those firefighters deal with.

The incidents that the CFS deals with in this state, as has been identified by several speakers, include hazmat incidents, of which there were 204 in the past financial year. There were 423 structure incidents and there were 2,534 vehicle related incidents. CFS firefighters were involved in 8,883 incidents in the 2010-11 year alone. That is an enormous contribution that those 13,500 CFS volunteers make. In fact, it is 280,858 hours' worth of unpaid labour—and very difficult labour, as I have said before—saving person and property. The benefits of the CFS to this state are enormous and certainly, in any debate of costs, those benefits must be weighed against the cost of any support for a scheme.

I thank the Hon. Rob Lucas for his very honest contribution that he is not in a position personally to support further debate on this bill, but I certainly appreciate that the Liberal Party has been very supportive publicly and in campaigning on this issue. They have, quite rightly, realised that this is something that South Australians care about and that there is a lot of community anger about.

Rob Lucas identifies quite rightly that the big jump in logic here, and the big jump that this parliament has to make, is accepting the science that these cancers are related to the act of firefighting. I commend the government for having made that jump and for having undertaken the work they did, obviously based on the work of the initial bill of the Greens' member for Melbourne, Adam Bandt, and the Senate inquiry that followed that; however, I do commend them for having taken that first step.

As I said in my previous speech, they have taken a misstep by not including the CFS in this instance, and I do hope that that misstep will be soon corrected. The Hon. John Darley quite rightly also identifies that costings are something that would be useful to have in this debate. As a private member bringing this bill before the parliament, I do not have those, which is why I had sought to work with government on this issue and why I had hoped to have a cross-party consensus on a scheme that we could be proud of as South Australians that covered not only the MFS but also the CFS. I would welcome any support that government can provide with costings.

I would also point to areas such as the emergency services levy as logical places that could be looked at in terms of ensuring that we are able to recognise the contribution the CFS makes. I thank the Hon. Kelly Vincent and the Hon. Ann Bressington for their passion and strength of support for this measure right from the start. Also, the member for Frome, Geoff Brock, has been a very strong supporter, and I worked in the early stages on this bill with the member for Flinders and the member for Finniss, who attended the press conference hat I held.

The Hon. J.M.A. Lensink: That's a worry!

The Hon. T.A. FRANKS: I won't comment on internal Liberal matters, but I have certainly had wide-ranging support from many members of the opposition, and for that I am very grateful. I

would like to draw members' attention to the reaction to the government's original announcement and also to the Greens' bill we have before us at the moment. One CFS volunteer has written:

> It is quite disappointing to hear that CFS fire-fighters are not included in this new Act. I am a volunteer fire fighter at the Two Wells CFS brigade and I take offence to the notion that we are not perceived as professional fire fighters. We are an unpaid, highly professional alternative to the paid MFS fire service, providing a professional service to local communities and are extremely disappointed we have been left out of this Act.

Another writes:

> I would like to know if us CFS volunteers ('who cost the government very little' compared to if the government had to pay a full time fire service across the whole state) breathe in different toxins and smoke when we go to the same fires as our metropolitan fire service colleagues, as well as all the other fires across the remaining 90% of the state.

Another writes:

> I am a volunteer fire fighter. I have been a member of the Region 2 Operations Support Brigade for about six years and previously a front line fire fighter with the One Tree Hill Brigade for four years. As I am retired my response to call outs has been uninhibited by work schedules and my hours of duty particularly in the summer months are considerable. I have often been deployed by strike team, to many places outside of my region and was also deployed to Victoria during the Black Saturday fires in addition to my Brigade responses. I have never been a smoker but the amount of smoke I have absorbed over many hours must be considerable. It distresses me to think of the volunteers who have been self-sacrificing for thirty years or more who may feel exploited.
>
> The volunteers in my brigade are employed, run their own businesses or are retired from the paid workforce. They usually drop whatever they are doing when paged to a fire. Regardless of their rank, position, duties or perceived importance, none expect any reward. No pay what so ever.
>
> What I have noticed, is that all my volunteer team members, without exception, do not like to be devalued. For the government to suggest one must be an MFS fire fighter to experience conditions that may lead to specific cancers, beggars belief. MFS fire fighters are all supplied with breathing apparatus, we have only a few teams of volunteers trained and supplied with protective breathing apparatus. Our CFS Hazmat crews encounter the same dangerous chemicals and conditions. Volunteer fire fighters, (without breathing apparatus), spend 12 hour shifts breathing in dense smoke. One can get an eye wash, but one cannot wash the dangerous residue out of the lungs.

Another letter stated:

> I would like to see the benefits afforded under the Protection for Firefighters - Amendment Bill 2012 extended to include all active volunteer firefighting members of the South Australian Country Fire Service.
>
> Firefighters, both paid and volunteer, are exposed to various contaminants and chemicals through breathing and skin contact, and these contaminants and chemicals do not discern whether or not a firefighter is paid. So why limit the benefits to paid firefighters only?
>
> The frequency of exposure is likely to be less with SA CFS members as SA CFS attends fewer calls to incidents where exposure is likely. However SA CFS members do attend such incidents from time to time and the risk of exposure is still present.
>
> SA CFS members face extreme danger from many types of incidents, particularly wild fires, but also from hazardous chemical spills, fuel spills, structure fires and others. It is the governments responsibility to put in place health and safety policies to ensure that these volunteers are protected in exactly the same way as paid fire fighters.
>
> How can a government discriminate based on whether a fire fighter is paid or not? SA CFS volunteers support and protect the South Australian community and save the South Australian Government millions every year by not having to pay wages and benefits to a paid fire fighter service in urban interface and rural areas. Come on, please look after them!

I am sure members will receive many such pieces of correspondence and phone calls over the summer months when it is always made patently clear to us just how much we need the CFS. In conclusion, I pay tribute to a CFS volunteer who I met with last week. His name is John Ames, and he is a voluntary firefighter who is currently suffering from oesophageal cancer and is in the Mary Potter Hospice. John has been a volunteer firefighter for some 15 years. He was also a veteran. He does not have a smoking history and there is no cancer history in his family, yet he has oesophageal cancer. Luckily for him the fact that he is a veteran means that he has not had to battle to have his medical needs met and the costs addressed.

He is aware that this bill, even in its current form, would not give him any compensation whatsoever, having only been—and I say 'only' sarcastically—a volunteer for some 15 years. In fact, under my bill he would need another 10 years of service before he would qualify, yet he wants to make sure that this bill is debated and passed, and he passes on that he wants his story told so that his workmates, colleagues and those who follow him can have the benefits of protection, will not have to fight for compensation, particularly when you are in the weakest moments of your life, after having contracted cancer.

With that, I understand that there is support in the chamber for a second reading vote, but I will not seek to push the bill further tonight. I sympathise with the concerns raised by the Hon. Rob Lucas that this is a very speedy debate. However, given the background of my attempts to work with the government on this, and then its announcement made that excluded volunteers, I thought it was a matter of such urgency that demanded not only this parliament's attention but also the exposure of the government's intent to the community. Over the summer months I imagine the community will have much to say on this bill, even if we have nothing further to say tonight.

Bill read a second time.

MURRAY-DARLING BASIN PLAN

Adjourned debate on motion of Hon. M. Parnell:

That:

1. This council notes—

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

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

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

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

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

(Continued from 14 November 2012.)

The Hon. J.M.A. LENSINK (20:50): I rise to make some remarks in relation to this motion and I will deal with each of the points individually. The first point is 1, subclause (a), which states:

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

The Liberal Party and, indeed, the federal Coalition would probably frame the language slightly differently. We certainly view that the Murray-Darling Basin Plan aims for a sustainable river with a triple bottom line approach, that is that environmental, social and economic concerns are taken into consideration, although primarily the environmental concerns are what is driving the Murray-Darling Basin Plan. In that context, sustainability is very important. While we all understand the environmental needs of the basin, the sustainability of irrigation communities is also very important. Subclause (b) then says:

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

On that point, I say that he has said that belatedly, but 'Premier Weathervane' has also stated, I think at the outset, that 'it was 4,000 gigalitres and not a litre less' and that he was going to issue a High Court challenge if that volume was not provided to the system. So, he has changed his position, which is one in a significant list of backflips that he has undergone since he has become the Premier of this state. Subclause (c):

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

I have no argument with that particular subclause. Indeed, I note that the 3,200 gigalitres was always supported by the federal Coalition as a starting point. Subclause (d) I think is probably just a direct quote, so I do not have any quarrel with that. Clause 2 states:

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

I think that point is very important, because really it is up to the federal parliament and not just the federal Labor government to ensure that the basin plan is implemented. It is something that has been debated recently and settled recently. As South Australians we need to understand that we have 11 members of 140-something in the House of Representatives, so we are a relatively politically small number of people. I think that our federal colleagues, particularly on the conservative side of politics, are to be commended for reaching agreement and having some sort of deal brokered.

I think it is significant, too, that on the conservative side of politics there are a lot of Coalition members who represent seats that are located within the basin and it is a much more difficult issue for us to try to find some agreement. I particularly commend members of the Coalition and, indeed, our spokesperson (Senator Simon Birmingham) for the work that he has done in gaining some agreement that the federal Coalition, both in the Senate and the House of Representatives, will not be opposing the plan. On that point, it needs to be pointed out that the Greens senator for South Australia Sarah Hanson-Young has not played a constructive role in this debate. She is seeking to disallow the plan when there is fairly broad agreement across the political spectrum that the plan should be implemented, and I think it is probably fair to categorise her role in that as a wrecker of the plan.

The Labor Premier had signed up to the deal of 3,200 gigalitres before he had even seen the detail of the plan, so sight unseen he first declared 4,000 and then he signed up to the plan without actually having seen any of the details which I think shows what a weathervane of a premier we have who is quite prepared to agree to things based on politics without having seen the detail. We also need to look back in history to the Howard government which put $10 billion on the table—I think it was in 2007—which was for water buybacks and improvements in infrastructure along the course of the river. Again, that was opposed by this state Labor government which sought to play politics with the failed High Court challenge and, if we look back even further at a state level, the Brown and Olsen governments invested significant funds into infrastructure which improved water efficiency on our side of the border within the Murray-Darling Basin system.

We need to remind ourselves of those things because that sort of foresight could have led to much earlier resolution on these issues and would have led to an outcome which may well have taken place before the drought which has caused some difficulty, particularly for the Ramsar listed Coorong and Lower Lakes. With those remarks, while I am not going to nitpick about some of the detail of the motion, I understand where the honourable member is coming from and so the Liberal Party will be supporting the motion.

The Hon. CARMEL ZOLLO (20:57): I indicate the government supports the motion. As we are aware, scientific analysis of the Murray-Darling Basin Authority's modelling shows that 3,200 gigalitres, with key restraints addressed, will deliver better outcomes for River Murray flood plains and achieves 17 of the 18 Murray-Darling Basin Authority managed flood plain flow targets in South Australia, New South Wales and Victoria. The scientific analysis shows that under the 3,200 gigalitres, with key constraints addressed, environmental outcomes are improved for the Coorong, Lower Lakes and Murray Mouth, and South Australia's flood plain shows greatly improved outcomes thereby improving the ability to support healthy flood plains compared with the 2,750 gigalitre benchmark in the basin plan.

On 15 November 2012, the Minister for Water and the River Murray wrote to the House of Representatives Standing Committee on Regional Australia recommending that the commonwealth parliament should consider amendments to the bill to strengthen the bill's intent to enable the recovery of the additional 450 gigalitres of environmental water. A copy of this submission was also provided to the Senate Committee on Environment and Communications. On 19 November 2012, the Senate Committee on Environment and Communications recommended that the words 'up to' before the reference to 450 gigalitres additional water recovery in the objects of the bill be removed.

Minister Burke indicated in his speech to the Press Council in Canberra on 22 November 2012 that he would be introducing amendments to the bill to strengthen its intent. He said work is being done on amendments to the bill to make sure the bill itself accurately reflects the government's commitment to returning 450 gigalitres and that it will be made clear.

In addition, as an outcome of discussions with the Premier, minister Burke wrote to the MDBA requesting changes to the basin plan to include reference to an additional 450 gigalitres of environmental water above the 2,750 gigalitre benchmark in the current basin plan, along with the 3,200 gigalitre environmental outcomes to be pursued.

The final basin plan as made by minister Burke on 22 November 2012 reflects the changes sought by him and underpins the commonwealth's commitment to return 3,200 gigalitres as announced by the Prime Minister in October 2012.

I should also make mention that, in relation to the Murray-Darling Basin plan itself, like all in this chamber, I am pleased that the government's Murray-Darling Basin plan has now been guaranteed clearing its final hurdle by the opposition in the federal parliament. I understand that the opposition has stated that it will enjoy their support. I believe the river is far too important to South Australians to be playing politics with it, and I acknowledge the work of the South Australian opposition members in bringing about the support of the opposition for this plan. This is a significant win for South Australia in its fight for the Murray.

The Hon. M. PARNELL (21:01): This will be a very brief summary. I would like to thank the Hon. Michelle Lensink and the Hon. Carmel Zollo for their contribution. It appears that we are all in furious agreement in relation to the words of this motion, but for very different reasons. We have each, it seems, put our own unique interpretation on what the motion means. The Hon. Carmel Zollo takes the operative provision of the motion, which calls on Premier Jay Weatherill to insist on his federal Labor government colleagues to enshrine sufficient water in legislation.

The Hon. Carmel Zollo says, 'Well, he's done it.' I beg to differ; he has not done it. In fact, he has been part of a deal stitched up with Barnaby Joyce and others in the federal parliament which, in a worst-case scenario, could see even the 2,750 gigalitres reduced to as low as 2,100—remarkable. Yet, having stitched up *The Advertiser* and having managed to get a feeling out there in some parts of the community that the knight on a white horse has saved the River Murray, I think it is quite disgraceful that the truth of this deal, this plan and the amounts of water involved has not come out sufficiently.

I will correct the record in relation to the Hon. Michelle Lensink's comments when she referred to my colleague, Senator Sarah Hanson-Young, as not playing a constructive role and being a wrecker. I would point out that the starting position that the Greens took was a few years ago with the original science. I think there was the CSIRO and a few others. We started at 7,800 gigalitres and we ended up with 4,000, which the Wentworth Group said was the bare minimum needed to bring the river back to health.

However, in more recent times the Greens actually accepted the 3,200 gigalitres. What my colleague Senator Sarah Hanson-Young has been doing in the federal parliament is trying to lock in a guaranteed minimum of 3,200 gigalitres, and clearly that has not succeeded. Today, the old parties joined together and voted against the Greens. The 450 gigalitres extra is absolutely aspirational. Whilst I am not a betting person—the Hon. Rob Lucas has taught me that betting with one's parliamentary colleagues is usually a poor deal—I bet that that water will not be seen, that by the year 2024, that 450 gigalitres will not be seen. Hopefully I will be here to say 'I told you so' to the Hon. Carmel Zollo and others.

I think the role of the Greens needs to be recognised, and I think history will recognise that we were the ones standing up for the environment and for the science. The deal that has been struck is a deal to try to preserve seats in the upstream parts of the catchment in New South Wales and Queensland and it has been at the expense of South Australia and its environment.

So, whilst I am pleased at one level that this motion will have, I think, unanimous support, I am disappointed that the way things have turned out in Canberra has meant that we have a suboptimal outcome. I think we need to do what a former premier once invited us to do—that is, to pray for rain and to do it daily.

Motion carried.

LOCAL GOVERNMENT (RATES) AMENDMENT BILL

The Hon. J.A. DARLEY (21:05): Obtained leave and introduced a bill for an act to amend the Local Government Act 1999. Read a first time.

The Hon. J.A. DARLEY (21:06): I move:

That this bill be now read a second time.

The bill has two aspects, both relating to rates that are charged by councils in accordance with the provisions of the Local Government Act. Section 153 of the act provides that a council may declare a general rate on all rateable land within its area for a particular financial year or differential general rates on rateable land within its area for a particular financial year.

The first aspect of the bill deals with differential rates applicable to vacant land. Differential rates may be applied to properties according to the different uses of land. This includes a higher rate for vacant land as opposed to land used for residential purposes. Generally speaking, when a person buys land they usually do so with the intention of building a house. This can be a lengthy process and, in many instances, land will remain vacant for a prolonged period of time before building works actually commence. This can arise as a result of financing issues, the drafting of building plans and the subsequent council approval process.

A number of councils, including Charles Sturt, Port Adelaide Enfield, Prospect, West Torrens, Marion and Gawler, are charging premium rates for vacant land under the guise of encouraging people to develop their land as opposed to holding onto it for long periods of time. In at least one case, the rate in the dollar charged on vacant land, as opposed to residential land, is 20 per cent higher.

This is a significant cost impost on landowners who purchase a block with the intention of building a house. It makes building a house all the more costly and all the more difficult, particularly for first home buyers. The last thing that people saving to build a house need, particularly in today's economic climate, is to be paying higher premiums.

The amendment overcomes this by providing a grace period of three years for people who buy land with the intention of building a home. During that grace period, councils will not be able to charge rates in excess of what would otherwise be imposed on land used for residential purposes. The three-year period is a reasonable time frame, given that buyers, and first home buyers in particular, may need additional time to finance the building works. Once that occurs, we know it can take up to 12 months for plans to be prepared and approved and a further 12 months to actually build the house.

The second aspect of the bill relates to rates on marina berths. Normally, a property is rated on the value of the property as a whole; that is, per allotment or ownership. Generally speaking, in the case of marina berths, where you have one owner of a single allotment, the owner is charged a minimum rate. Where you have one owner of a single allotment which has multiple occupiers under lease or licence agreements councils are charging a separate rate for each occupation. In the past, some councils have applied a discretionary rebate in place of a minimum rate on the occupation of wet marina berths and hard stand berths.

The Port Adelaide Enfield Council has adopted this approach for over 20 years. I am advised the rebate was initially introduced during the construction period around the Port Adelaide area in recognition of the inconvenience the construction works would cause for locals. In more recent months, the council received legal advice to the effect that the rebate should have expired in the late 1990s. As such, it was deemed appropriate to charge the minimum rate of $750 per annum for each marina berth within a marina.

I am advised that the Minister for State/Local Government Relations provided advice on this issue in June of this year, indicating that there were other avenues available to council to reduce the rates burden on berth owners. Despite this, the council persisted on levying the minimum rate on each marina berth. It was only after overwhelming community outrage that the council agreed, somewhat reluctantly, to transition the application of a minimum rate across all berths in its local government area over a seven-year period.

I am advised that, in the Port Adelaide Enfield area, the current average value of a wet berth asset is $50,000 and the current asset value of a hard stand is $5,000 and, in some cases, as low as $2,500 due to a fall in demand, arguably as a result of the imposition of the minimum annual council rate of $720 per annum. This is the equivalent to the rates that would be payable on a residential property with a capital value of approximately $274,000 or a commercial/industrial property with a capital value of $132,000. These properties are valued at some three to five times higher than marina berths, yet marina berth occupiers are paying the same in rates.

In the Holdfast Quays Patawalonga area, the current average value of a wet berth asset is between $25,000 and $29,000. The minimum rate for properties in the area is $832, which is

equivalent to the rates applicable to a residential property with a capital value of $328,000, or $226,000 for any other property other than residential. Again, these properties are valued at some nine to 13 times higher than marina berths, yet marina berth occupiers are paying the same in rates.

As alluded to, the Port Adelaide Enfield Council is not the only council to implement this sort of rating policy based on separate occupation rather than ownership. It applies equally to the City of Holdfast Bay, which also charges a minimum rate for each marina berth within a marina. Nor is the policy limited to marina berths; it has been adopted across the board by most councils in relation to rateable land in general, particularly where separate occupation is concerned. I understand some councils are even charging a minimal annual rate for space which privately owned ATMs occupy in shopping centres, pubs and clubs under lease agreements.

The argument by councils against my proposal is similar to that argued by the government in relation to crown land leases for shacks on waterfront locations; that is, if a person is wealthy enough to afford a boat, they are able to afford the higher rates. This argument flies in the face of the Local Government Association's rating and taxing principles, which include that in levelling taxes the ability of the taxpayer to pay the tax must be taken into account. Having regard to that principle, they argue that the best measure of a person's ability to pay is the valuation of their property. On that basis, occupiers and owners of marina berths and hard stands are being ripped off. They are paying far in excess of the true value of their property. Worse still, there is absolutely no justification for these charges by council.

There are no services being provided on these individual pieces of land and councils are not recouping any costs in any way. It is simply a revenue-raising exercise at the expense of boat owners. Any argument that local residents are subsidising wealthy boat owners is unwarranted on this basis alone. The bill deals with this issue in two ways.

First, it provides that where two or more pieces of land within a marina are owned by the same owner, a minimum amount payable by way of rates or charges may only be imposed against the whole of the land and not against the individual pieces of land. The minimum amount payable cannot exceed the total that would be payable if the pieces of land were a single piece of rateable land or any lesser amount fixed by regulation. The practical effect of this is that the maximum rate that will be payable will be the aggregated value of the land in its entirety as if the land were held as a single allotment.

Secondly, if an owner owns a single marina berth within a marina, the council will be able to charge a minimum rate. However, if the value of the particular marina berth is less than 50 per cent of the notional value of marina berths within a marina, then the amount payable by way of rates will be 50 per cent of the minimum amount or any lesser amount fixed by regulation. What is meant by a marina berth is clearly defined in the bill to include land within a marina used for berthing or mooring vessels and dry storage of vessels.

I have met with representatives of the boating industry, including the Boating Industry Association of South Australia, the Cruising Yacht Club of South Australia, the Royal South Australian Yacht Squadron and Holdfast Quays who, together with Refuge Cove Marina Berth, have been lobbying the government on this issue on behalf of their members, especially as a result of the recent decision of the Port Adelaide Enfield Council. I understand these same groups have also lobbied the opposition on this issue.

There have been several stories in the media about this issue. Boat owners have raised their concerns over the fact that these changes will make it unaffordable to lease a marina berth and it has even been suggested that as a result we can all expect to see more boats parked in people's front yards. This matter needs to be resolved once and for all in order to provide these individuals with a fair and reasonable outcome. I believe this bill achieves that.

As I mentioned at the outset, normally a property is rated on the value of the property as a whole, not on each separate occupation. The fact that an allotment is divided into separate occupations should be of no significance at all for rating purposes. I foreshadow that in the new year I will be introducing a further bill that deals with rating policy in relation to other rateable land more generally in an effort to provide more equitable outcomes for other individuals or businesses who are facing similar issues to the boating industry.

In closing, this bill proposes two very straightforward and, indeed, reasonable changes in terms of rating policies for vacant land and marina berths. There is simply no justification for charging owners more rates than what their land is worth. I hope that both these matters will be

given due consideration by all honourable members. With that, I look forward to progressing this bill further in the early stages of the next sitting year.

Debate adjourned on motion of Hon. J.S.L. Dawkins**.**

ELECTORAL FUNDING REFORM

Adjourned debate on motion of Hon. M. Parnell:

That this council—

1. Notes—

   (a) that the October 2012 South Australian ALP Convention has passed a motion calling on the state government to pursue electoral funding reform by severely restricting private, corporate and union donations to all political parties and increase the level of public electoral funding;

   (b) the motion acknowledged the need for support for electoral funding reform to come from all sides of politics; and

   (c) that opposition leader Isobel Redmond is also on public record backing the adoption of the 'Canadian model' of regulating political donations, including limiting individual donations to parties or candidates and prohibiting all corporate, union and organisation donations to political parties and candidates; and

2. Calls on the state government to introduce legislation for electoral funding reform during this term of parliament so that new rules can be in place for the 2014 state election.

(Continued from 31 October 2012.)

The Hon. K.J. MAHER (21:19): I move to amend the motion as follows:

Paragraph 2—Leave out the word 'introduce' and insert the word 'investigate'.

In speaking to this, it is important to get on the record neither I am not, nor are many in the ALP, opposed to all forms of electoral funding reforms per se. A couple of weeks ago in this place, the Hon. Stephen Wade made some very good points about some of these issues. I support the state government investigating these matters, and that is what this amended motion would do.

Adequate funding to political parties is important. A vibrant democracy requires that all parties are in a financial position to contest in an election, put forward their ideas and policies, and have a contest of ideas at any given election. In addition, the main political parties play important roles outside contesting elections. As mass membership organisations, political parties allow an opportunity for many South Australians to become involved in the political process.

Many members of political parties get involved in policy forums, networks and committees, and these are important roles out of political parties. As a very recent former official of the Labor Party, I know that these functions—serving members and involving them in political and policy processes—are expensive and time-consuming processes, so any reform that might free up time and resources to allow parties to engage and involve their members may well be a good thing.

I want to finally make mention—as the Hon. Mark Parnell has moved this motion—of the Greens and political donations. Many are probably getting tired of the Greens' holier-than-thou attitude and preachiness on the issue of donations and, as the Hon. Stephen Wade mentioned the last time issues like this were discussed, the Greens have received the biggest single donation in Australian political history.

Members interjecting:

The Hon. K.J. MAHER: The biggest single donation. The AEC disclosure for the 2010-11 financial year records the single donation of $1.68 million in 2011-11. In a profile piece in the *Launceston Examiner* on 8 July 2011 on the individual who made this donation, a Tasmanian by the name of Mr Graeme Wood, it was said of the donor who gave the $1.68 million single donation:

> ...Mr Wood has certainly forged a unique path, and his donation to the Greens is hardly typical of Australian corporate philanthropy, but it is not woolly do-gooding either. He saw the $1.6 million donation as a defensive move that saved him many millions of dollars.

I am willing to bet that, if the Liberal or Labor parties had received a donation of a couple of million dollars on the basis that it was a defensive move that saved that individual many more millions of

dollars, the Greens would be up in arms about it; they would be spinning like a whirlybird, denouncing the donation to one of the 'old parties', as they call the Liberal and Labor parties.

I wonder: would the Hon. Mark Parnell be happy for the South Australian Greens to receive a donation of nearly two million dollars if the donor was of the publicly stated view that his donation was 'a defensive move that saved himself many more millions of dollars'? Having said that, I am pleased to support the amended motion.

The Hon. S.G. WADE (21:23): I rise on behalf of the Liberal opposition to indicate out support for the Hon. Mark Parnell's motion on electoral funding, as amended by the government's amendment. Recently, the Hon. Mark Parnell raised related issues in his Constitution (Access to Ministers) Amendment Bill, which dealt with fundraising and events providing access to ministers. Whilst the bill highlighted the need for campaign funding reform—

Members interjecting:

The ACTING PRESIDENT (Hon. G.A. Kandelaars): Order!

The Hon. S.G. WADE: Whilst the bill highlighted the need for campaign funding reform, it was, with respect, piecemeal reform. On 31 October, the Hon. Mark Parnell moved the motion we are now discussing, which calls on the government to introduce electoral funding legislation by the 2014 election.

The Liberal opposition supports the need for ongoing efforts to ensure transparency and accountability in electoral funding, including donations. We welcome the government amendment to the motion, as it represents a significant shift in the government's approach. Only in recent days, the Attorney-General John Rau claimed that existing regulations surrounding campaign funding were adequate. This position was being held by the Labor Party in the face of grassroots concerns within the Labor Party itself.

At the ALP October state convention, Shop, Distributive and Allied Employees Association State Secretary (and state premier kingmaker) Peter Malinauskas, moved a motion to increase public funding to political parties while banning or severely restricting private donations. The ALP state convention adopted the motion. The Liberal Party, on the other hand, has been consistently committed to sound governance across the board, including electoral funding. As our leader, Isobel Redmond, put it recently:

> We remain committed to transparency, accountability and better government—a point affirmed by our unwavering support of a truly independent ICAC. To that end, we will be actively looking at donation models in Canada and New South Wales and the need for disclosure of state campaign donations. The transparency and accountability of the funding of political parties is vitally important to the public's ongoing confidence in those parties and the ongoing funding of the parties.

In spite of media reports, I highlight that the leader's comments focused on disclosure and transparency, not on limits and bans. I commend the government's amendment to the motion and the motion as amended to the council.

The Hon. R.I. LUCAS (21:26): Goodness gracious—$1.6 million! I was just stunned at the size of that donation to the Greens. I think the point that has been made by the Hon. Mr Wade and other contributors is that we all come to this debate 'sullied' by the fact that donations have been received by all parties, whether they are described as old parties or new parties. Indeed, it is not just the Greens; Family First, of course, and others are all part of having to fund election campaigns.

The only point that has been made is that the enormity of the contribution to the Greens by one particular individual does stand out in terms of the issues of potential influence, I suppose, not that I would suggest in any way, of course, that there might have been any direct influence there. I think that the point is that where we are at the moment is that, if you are going to be running election campaigns, you have to fund them in some way. All I can say is that I am in furious agreement with the notion of the general principles that are being raised by the Hon. Mr Parnell on the issue of electoral funding reform.

In terms of the general principles that are being raised by the Hon. Mr Parnell on the issue of electoral funding reform, he notes in the motion, I think in paragraph (c), that my leader, Isobel Redmond, is on the public record prior to the 2010 election backing calls for electoral funding reform. I have to say that I am a strong and sympathetic supporter of the principle that Isobel Redmond has raised within the Liberal Party and have been a supporter for some time within the Liberal Party for our having a look at electoral funding models.

Indeed, on the two study trips I took to the United States, one of the issues I looked at in a number of jurisdictions was the changes at that particular stage—and they continue, of course—in relation to electoral funding reform in the states of the United States. If one is talking about an arms race in terms of funding, one has only to look at the American system to see where it is we are potentially heading. We have a situation in the American Senate—I do not have the most recent figure, but I remember seeing this a year or two ago—where virtually every senator is a millionaire, most of them are multimillionaires, and a number of them are billionaires.

Clearly, that does not reflect the cross-section of people in American society and the American community, but the reality is that in the American political system and in the pinnacle of that, the American Senate, unless you are extraordinarily wealthy, or you have very wealthy backers or you are able to access significant amounts of funds, your chances of being elected to the American Senate are very slim indeed.

In relation to the funding issue, I always chuckle at those who have been strong supporters of Barack Obama with his fundraising mechanisms. When first elected, in terms of funding support he massively out-canvassed the Republican challenger at the time—so much so that he gave up the option of public funding because, in the American system, he could get more money through private contributors and the fundraising that was allowed.

If you look at the American system, a number of jurisdictions have tried to tighten up. Without spending all my contribution tonight going through the American system, one of the major problems it has confronted has been the influence of third parties; that is, there is an extraordinary capacity to cut back on what lobbyists can spend on and what members can spend on others.

One of the problems in the American system is that in some of the states there were extraordinarily tight restrictions on what individual legislators could do and their interrelationship with lobbyists and others. It was explained to me that no more than $5 a day or something could be spent, and if you took someone out to lunch it could be no more than $10, for example. There were extraordinarily tight limits.

However, the reality was that through their constitution (which you could drive a truck through in terms of funding issues) there were all these PACs and now super PACs which were able to raise millions of dollars in terms of running campaigns which were sympathetic to particular causes or candidates or campaigns which linked with a particular candidate or political party.

The issue that confronts people like Isobel Redmond and myself in the Liberal Party and, indeed, the Hon. Mark Parnell and others, is that if we are going to look at electoral funding reform it is how you construct a system which will allow people who want to express a genuine point of view and fund a campaign to do so but not have front organisations or pseudo or de facto front organisations which, in essence, run the campaigns for the Labor Party or, indeed, the Liberal Party. Certainly those in the Liberal Party would say that organisations like GetUp! with their WorkChoices-related campaigns in previous federal campaigns, were de facto campaigns for the Australian Labor Party.

They will argue that they govern differently and separately and all those sorts of things, but the reality is, as occurs in the American system, that all of that can occur. In the American system, you have to say that there has been no contact between them and the candidate at all (that does not actually have to happen in the Australian system) but, nevertheless, fortuitously or strangely in the American system these PACs are running massive campaigns using similar research to the research that the candidates have, and they are running on issues and campaign themes that are sympathetic to a particular candidate and against another particular candidate as well. That is going to be the challenge in both the Australian and South Australian systems.

The Hon. Mr Parnell has highlighted some of the issues, but I do not think that there is any doubt of the need for reform here in South Australia. We have seen it. The Hon. Mr Parnell has quoted it often and I have quoted it often. I go back to a number of press releases of mine back in 2008 and 2009 when I was drawing attention to the significant donors to the South Australian Labor Party, and the Hon. Mr Maher takes great delight in highlighting the significant donor to the Australian Greens.

In referring to these press releases of mine going back to 2008-09, and looking at the funding records of the Australian Labor Party—which as the Hon. Mr Maher and the Hon. Mr Hunter would know do not reveal everything, anyway—and even going through that, I found four or five, I think it was, related companies to the Makris Group of Companies in South Australia, which had made donations to the Australian Labor Party but under different names.

It took a lot of work in terms of tracing back the history of those companies to eventually find that they were all related in one way or another to the Makris Group. I think that the total at that particular time was $180,000. Now, there are some very significant planning issues in which the Makris Group of Companies had interests in South Australia. It also had significant lobbyists who had significant connections to the Australian Labor Party and to Labor ministers.

One or two whistleblowers from within the Labor Party who used to work within Labor ministers' offices have highlighted to a number of people (including me) the number of examples of quiet meetings between Labor ministers and Labor advisers in ministers' offices in various locations within 200 metres of Parliament House to discuss matters of mutual interest.

The particular quote was from John Blunt at the time, the chief executive of the Makris Group. John Blunt was being interviewed by Matthew Abraham, and this was after we had raised the issues of the $180,000. John Blunt was very blunt. He was honest about it. He was being asked, 'Well, why did you contribute $180,000 to the Australian Labor Party?' As I said, John Blunt was very blunt. I quote:

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

Matt Abraham asked:

> You want to be looked after, too?

John Blunt said:

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

That is ABC radio 2 May 2007. As the Hon. Mr Maher and others will know, that sent off alarm bells within the Australian Labor Party and within the Labor government at the time because Mr Blunt had, indeed, been—perhaps from the Labor government's point of view—too blunt in terms of why parties were making major contributions to the Australian Labor Party. I repeat, again, what he said:

> ...that's a part of the way the system, you know, politics works here [in South Australia].

It is for all those reasons why my leader, Isobel Redmond, has led the charge within the Liberal Party in terms of saying that she has seen what has gone on with the Australian Labor Party and it is time for reform and it is time for change. I will be the first to acknowledge, and it would be no great secret, that not everyone within the Liberal Party supports the view for electoral funding reform, because some people in the Liberal Party are, perhaps, even more cynical than I am.

They say, 'Well, this is all very interesting. After nearly 12 years the Labor Party's chief head kicker and fundraiser and donor, Peter Malinauskas, is sent out to put his little toe in the water for the Labor Party for electoral funding reform.' He goes out as the head of the SDA, which as we know controls the right faction which we know controls the Labor Party caucus in South Australia. So, Peter Malinauskas, having already knocked off one premier and put in another premier by tapping him on the shoulder, set out to test the water in relation to this issue.

As I said, some cynics in the Liberal Party are saying, 'Well, after nearly 12 years, and having received millions of dollars in donations from developers and others, all of a sudden the Labor Party thinks maybe they might not be in government after 2014 and all of a sudden the Labor Party starts talking seriously about electoral funding reform.' Mr Malinauskas and others are out there publicly pushing the issue and privately lobbying for change, but we saw none of this over the past 10 years of the Labor government.

That is why I say credit to Isobel Redmond because Isobel Redmond, prior to the 2010 election, went out there and said that, if elected, these are the sorts of issues she felt strongly about and was prepared to work on for reform. I acknowledge tonight that Isobel Redmond has acknowledged that there are problems. The big problem is how you make this fair, how you stop the third parties.

When I first started in politics it was sort of an arms race between two sides. Big business tended to spend more money on the conservative side of politics and the unions always funded the Labor side of politics. What has happened in the past 20 years is that big business in particular either now has got out of it completely or, because of shareholder issues and other pressure groups, funds both of the major parties equally. But, surprise surprise, the trade unions in South Australia do not fund both sides of politics equally, they continue to channel all of their money

either into the Labor Party or into causes and campaigns which are sympathetic to the Labor cause.

So, this arms race, which 20 or 30 years ago had one significant group on one side and another significant group on the other side, all of a sudden had one side which was being neutered. As we have seen in the past 10 years, in particular in the 2006 campaign, business (big and medium) basically either did not give money at all or gave more money to the Australian Labor Party than to the Liberal Party in South Australia. Generally, they are relatively neutral, with the exception of (maybe) the $1.6 million that goes to the Greens from Mr Wood, but put that to the side and, generally, they are relatively neutral, but the unions continue, and the SDA in particular.

I have issued press releases on the amount of money the SDA formally puts into the Australian Labor Party. We all know they fund organisers who run campaigns; they are paid as organisers for the Australian Labor Party but they are out there during the lead-up to the election period. Part of their task is to run campaigns and support Australian Labor Party candidates. You only have to read the initial speeches of some of the Labor members for the people who they thank and support for the contributions to realise that that is the reality.

So, there are a number of ways that the total dollars of the SDA and other unions is not a real indication of the total value of the contribution that they might make. We know that in the past some unions have funded market research. To be fair, I know that some interstate businesses and business associations have funded market research, part of which might have been of use to the particular company or interest and part of which was of use to the conservative side of politics. No-one comes to this debate 100 per cent pure in relation to funding issues.

The concern I have had in my time in politics is that I have seen greater and greater influences, in terms of donations, on decisions that governments take. That is certainly the perception. I think that is clearly the case when one looks at Labor governments in the past 10 years compared to the Labor governments of 20 to 30 years ago. I suspect it is true in other states when you say you look at decisions in relation to conservative governments as well. The influence of donations, because of their importance, clearly must take on greater and greater significance in terms of the decisions that people either might take or might avoid taking, and there are significant issues in relation to that in terms of good governance.

That is why I give credit to Isobel Redmond for being the person out there prior to 2010 leading the charge on this. As I said, and I repeat it again: not everyone within the Liberal Party—I know there are many of my friends and acquaintances within the organisation, not in the parliamentary party, who are now busily fundraising. As we get closer and closer to the 2014 election, it is surprising how all of a sudden you have more and more friends who have always been supporters of your political party and who would like to make a contribution or assist in some way.

That is the reality of life. As business people make business decisions and make judgements as to whether or not there is the possibility of a change in government, they start taking punts; they start endeavouring to cultivate influence. One big issue—some of the cynics in the Liberal Party and in the community have put this point of view as well—is that, after five years or so of fighting off the ICAC, all of a sudden prior to 2014 it is the Labor government which now claims authorship and ownership of the introduction of an ICAC in South Australia.

Again, the cynics have put the view to me, 'Isn't that convenient? After almost 12 years of Labor government, with the prospect that maybe they might be defeated in 2014, they have a change of heart and start supporting an ICAC.' I know some people have the view that the ICAC will be up and going and will put some heat on this current government prior to 2014. I am not one of those who subscribe to that view. I have seen these organisations necessarily take time to crank up and get themselves going. Even if they are up and operational by mid next year, in terms of commencing inquiries and concluding inquiries in my view it is highly unlikely to really be before March 2014.

That is a separate debate. Thankfully, we have got through that particular debate and we will see what we see. I think what the ICAC does do is introduce a new element in relation to electoral funding issues. If I can be frank, it is entirely possible that a particular business or individual could make a very significant donation to a party which is in government and that a minister and his or her department could take a decision which in some way favours that particular company, but for the two issues to be completely separate.

The reality is that there is always a perception issue. When we have an ICAC I guess we hope the ICAC ultimately will be able to get to the bottom of a range of things, but when you do a cold case, desktop review two or three years after a particular decision has been taken, I can assure you, having been in government, that sometimes decisions are taken within your department and within your agency which ultimately might end up in an ICAC.

A connection may be made that a certain person has funded a particular contribution to your political party and that someone in your department—ultimately with your approval in some cases—has signed off on a particular decision and, as I said, it could be entirely separate. It could be entirely independent, but ultimately, if someone makes an accusation because of perception, it is going to be an issue in terms of you having to be able to prove that that is indeed the case. Equally, clearly, as we have seen in New South Wales and others, it is entirely possible that there is corruption, and the challenge for the ICAC commissioner and staff is going to be to distinguish between the two.

I think the advent of an ICAC means that those within political parties who are genuinely committed to electoral funding reform need to continue their battles within their parties. Whilst I acknowledge that the Hon. Mr Parnell has campaigned on the issue, and I am sure he will continue, those within the Labor Party and those within the Liberal Party who support electoral funding reform, need to continue those battles within those particular party organisations. As I said, if the cynics are right, some will do it because they see partisan political advantage because they happen to be going into opposition.

Others will do it because they are genuinely committed to the principle of that, if you are going to have good government, then the chances of good governance and good government are when particular interest groups—whether they are business donors or unions and donors—do not have any greater influence over a minister's decision or a government's decision than anybody else. Good government should be about those people having the opportunity to put their point of view, as indeed should the opponents of any particular development or project or program have the opportunity to put their view and, ultimately, those decisions be taken.

One of my earliest recollections of the Liberal parliamentary party room many years ago was of a much older and wiser member of parliament at one stage saying on a particular issue under discussion in the party room, 'Look, any discussion at all, or any knowledge at all about whether or not this person has contributed to the party is completely out of bounds in terms of the party debate.' It was contrary to the party fundraising code then and it still is now but that sort of discussion should not and would not be part of the party room debate on that particular issue. And that is as it should be in terms of good governance, whether that be for a Labor government or whether it be for a Liberal government.

So for those reasons I support the principles in the bill. I support the position my leader, Isobel Redmond, has taken. I will certainly encourage and support her in whatever she seeks to do in terms of trying to bring about fair electoral funding reform, bearing in mind, as I said, the vexed issue of third parties that somehow has to be canvassed if we are going to ultimately settle on some sort of funding reform package which makes it fair for both a Labor government and/or a Liberal government in terms of this whole issue of access to funds and, ultimately we hope, good governance of the state of South Australia.

The Hon. K.L. VINCENT (21:53): I speak tonight again very briefly, as I am sure everyone will be glad to hear, to put on the record my support for the Hon. Mark Parnell's private member's motion on electoral funding. As a member of a small political party that survives on the goodwill of its members and does not receive large corporate and union donations, I would very much like to see a more transparent and more accountable donations and electoral funding system in South Australia.

Self-interest from the Labor and Liberal parties has tended to see them working together on this issue in this state. However, as the Hon. Mr Parnell's motion notes, we have examples of both the old major parties declaring support for a reform in this area in recent weeks. Dignity for Disability would be very interested in the Canadian model of regulating political donations favoured by the opposition leader, Isobel Redmond, and public funding of state ballots considered ahead of the 2014 state election. So with those brief words, I support the motion.

The Hon. M. PARNELL (21:54): By way of summation I thank the Hon. Kyam Maher, the Hon. Stephen Wade, the Hon. Rob Lucas, and the Hon. Kelly Vincent for their contributions. I particularly thank the Hon. Kelly Vincent for her fulsome support of the motion as drafted, and I will

say that I did not accept the amendment moved by the Hon. Kyam Maher to leave out the word 'introduce' and insert the word 'investigate'.

The operative provision of the motion is that this Legislative Council calls on the state government to introduce legislation, not to investigate. All political parties have been investigating this issue for years, for decades. The Liberal Party investigated it enough to make an election promise before the 2010 state election. The Labor Party has been looking at it forever, and the Greens certainly have had it as part of its policy forever as well. I do not accept that it should be a nothing motion that says, 'Let's think about it some more.'

I am supported in that position by Peter Malinauskas who, a week and a half ago on 22 November, was interviewed by *InDaily*. A couple of sentences from that article are:

> Malinauskas told *InDaily* that it was time for the government to take the initiative. 'I think this is a reform that South Australia desperately needs,' he said. 'It's important that the government takes the initiative and gets something in place before the next election. ALP State Convention passed the resolution which I moved and I think the government should get something in place as soon as possible. It seems there is some goodwill between the parties on this—we should capitalize on that'.

I do not pretend to fully understand Labor politics. Apparently the bloke who gets sent to knock off a premier is not of sufficient importance to be taken seriously—and he is a major donor of the Labor Party, via his union—when it comes to an important public policy matter like this. It seems quite remarkable. Everyone appears to be in furious agreement, but no-one wants to do it first.

In relation to the Hon. Stephen Wade's contribution, when the Greens have tried to put things up—and we have a number of bills over the years that have gone to the question of donation reform—they have been voted down because they were not comprehensive enough, or maybe there was a loophole, but no-one else in this place has taken any initiative.

Briefly, in relation to the Hon. Rob Lucas's contribution, I am not saying that electoral reform is dead easy and that it is a matter of a simple formula we can just slot into South Australia: it is difficult. There are challenges, and we do need to deal with the situation of third parties, as he so eloquently described in relation to the American situation. I expect that Mr Lucas will be back here tomorrow with a personal explanation. He said there were more cynical members of the Liberal Party than he; we might see whether that is corrected tomorrow.

The implication in what he was saying is that some of his more cynical colleagues believe that the only reason Labor is doing this now (or that Malinauskas is doing it in the name of Labor) is that they will be in opposition soon and their gravy train is about to dry up, yet from the Liberal side they will be in soon and it is their turn to capitalise on the fundraising potential that comes from incumbency and the ability to get your mates in business to give you money so that their projects happen, to quote Mr Blunt, as quoted by Mr Lucas.

In relation to the Hon. Kyam Maher's contribution, I ask him to be a little more careful when talking about the situation in relation to Mr Graeme Wood, who is someone I have actually never met. However, when it became apparent, because the Greens disclosed it as soon as it was made, that it was the biggest single donation from an individual—mind you, it pales into insignificance with the union donations and the annual cumulative donations from some of Labor and Liberal's big supporters, but as a one-off it got that notoriety—both Labor and Liberal conspired to make sure that the situation was made so unpalatable for all concerned that it never happened again.

They conspired to bring a dodgy privileges committee motion in the Senate, and some months and some tens of thousands of dollars in lawyers' fees later, of course they found that no benefit was offered or promised in relation to that donation. Mr Wood, as I understand it, is a very old-fashioned philanthropist who is in the process of giving away most of his money by buying bushland, sponsoring the arts and sponsoring media. The only thing I do know about him is that apparently his good fortune has come from his being the founder or proprietor of the Wotif hotel booking site. I do not recall any motions or bills in this parliament or in any other to try to advantage businesses like that because a particular donor has given.

You do need to contrast the situation of a donor like that, who was dragged through the privileges committee for no purpose whatsoever, other than to frighten him and anyone else from ever wanting to give a donation, with the situation of Mr Lang Walker and the Walker Corporation's $2 million, which was the rough calculation that I did, in donations to the Labor Party. The bald-facedness of it, when he is doing a political fundraiser for Labor the week before cabinet is about to decide whether the Buckland Park major project should go ahead, and then has the hide to do another fundraiser for Labor the day that they announce approval for his development. It is

incomprehensible that the media—not for want of encouragement from me, but they just do not take that stuff seriously.

The Hon. Rob Lucas has said, 'Well, we're going to have an ICAC soon and maybe that's where we are going to be putting all these things,' but I just find it remarkable. The point with this debate is that unilateral disarmament has not been on anyone's agenda. Malinauskas described it as an arms race, and that is what it is. Everyone is out there saying, 'Yep, can we have money, can we have money?' I think the Hon. Rob Lucas was right when he talked about the perception. It is the perception of the donations, the perception that influence is being bought.

If we had a level playing field—if we did have a ban on union donations, corporate donations and a cap on individual donations—then neither Mr Wood nor anyone else would be giving the Greens $1 million, they would be giving us $1,000 if that was the cap, and that is how it would work, and I have no doubt that the Liberal and Labor parties would still end up with a lot more money than Dignity for Disability or the Greens. I would ask the Hon. Mr Maher to be careful about perpetuating the defamation of Mr Wood that was unsuccessfully tried in the Senate. I think that it is unfortunate—

The Hon. S.G. Wade: It's alright, Kyam, you have privilege.

The Hon. M. PARNELL: I know the honourable member has privilege, but it is no less a defamation when someone says something that is false and has the impact of reducing someone's reputation. I can see that both Liberal and Labor are interested in a motion that says nothing, that says they are going to investigate doing nothing, so I do not support that amendment and I would urge all members to support the motion as originally drafted.

Amendment carried; motion as amended carried.

PORT STANVAC

Adjourned debate on motion of Hon. R.L. Brokenshire:

That this council—

1. Notes that Exxon Mobil, as current site owners, have elected not to continue operating a refinery at Port Stanvac in Adelaide's south;

2. Notes that as part of its exit from the site, Exxon Mobil plans to remove the significant jetty and wharf structure at the site due to the lack of interest from any other party taking responsibility for it; and

3. Calls upon the state government to take responsibility for the jetty and promote a site master plan that develops the facility for tourist and recreational purposes for Adelaide's south.

(Continued from 31 October 2012.)

The Hon. D.W. RIDGWAY (Leader of the Opposition) (22:03): I inform the house that I have an amendment to point 3 of the Hon. R.L. Brokenshire's motion and I will speak to it briefly now and then make some more general comments. Point 3 states:

Calls upon the state government to take responsibility for the jetty and promote a site master plan that develops the facility for tourist and recreational purposes for Adelaide's south.

I move to amend the motion as follows:

Delete the words 'take responsibility for the jetty and'

Point 3 will now read:

Calls upon the state government to promote a site master plan that develops the facility for tourist and recreational purposes for Adelaide's south.

Some years ago I had the good fortune to be on a select committee about fuel storage and fuel supply in South Australia. It was a few years ago because the Hon. Nick Xenophon was on that committee, as was the Hon. Angus Redford and the Hon. Terry Stephens. I think the Hon. Bernard Finnigan might have been on it. I cannot recall the other member of the government who was on it at the time. It was some time ago given that the Hon. Nick Xenophon has been long gone from this place and also the Hon. Angus Redford.

We had a couple of site visits to Port Stanvac and it was in relation to the fuel storage, but it appeared to me to be a wonderful opportunity in that area. Okay, some highly contaminated land will have to be remediated—and I know that Mobil is going through that process at present. Of course, we have a desal plant that has been plonked in there since that select committee reported.

The Hon. R.L. Brokenshire: Mothballed.

The Hon. D.W. RIDGWAY: Mothballed desal plant, too, I am told. I heard some discussion today that the SA Water will have to write down its assets by some $2 billion as a result of some of the actions of the government over the last few years. It has become apparent to me that once Mobil leaves this would be a wonderful site for some industrial development and some residential development because it is high on the cliff, but also the jetty. The jetty is more than a jetty. We have these visions of a jetty. If you google jetties, they are wooden pillars with a bit of a crossbeam. This is what you would describe as a wharf. It is a very big structure.

We will be supporting the Hon. Robert Brokenshire's motion because this is a bit of infrastructure that is stuck out in the sea. I am not sure what Mobil's plans are whether it is to remove it or whether it is just to decommission it and just let it rot away. We saw the great work that the member for MacKillop (Mitch Williams) and I did to declare that the lighthouse on Margaret Brock Reef off Cape Jaffa be part of the reef. I know it was something that the Hon. Mark Parnell thought was a wonderful thing that—

The Hon. M. Parnell: Yes, the gannets.

The Hon. D.W. RIDGWAY: The gannets up on the deck. It was great that Robert Mock who was a local enthusiast had swum out there and taken the photographs. The Hon. Mark Parnell was blowing Robert Mock's bags. I still think he is blowing them but he was a little disappointed to learn that Robert Mock had joined the Liberal Party after the work that Mitch Williams and I had put into—

The Hon. M. Parnell: But the gannets all joined the Greens.

The Hon. D.W. RIDGWAY: The gannets actually donated to the Greens. It is about that deep on the top of the jetty. But that is what I am fearful of with this structure down at Port Stanvac. I do not believe that Mobil will totally remove it and I do not think it should be removed. It is a big structure. It is probably a structure that could be community infrastructure. It is a coastal environment. It is a great opportunity for fishing. We are not going to move this tonight, but in a perfect world it is probably too big and too expensive for the government to take control of or for the local government to take control of but it may well be an opportunity for the private sector to come in.

From my understanding it is big enough and strong enough. You could build a restaurant on the end of it. You could make it a tourist attraction and open it up for the community to use and people could fish from it. I doubt whether it is big enough to build any accommodation like a hotel on the end of it. The Hon. Robert Brokenshire is more of a local than I am, but it seems to be reckless for the government to turn its back and let Mobil decommission it and let it rot away when we are struggling. I indicated today in my matters of interest speech that our tourism figures are nowhere near as robust as the minister leads us to believe. This could offer unique experiences like being able to deepwater fish from the jetty rather than having a boat and the experience of—

The Hon. R.L. Brokenshire: Walk the wharf.

The Hon. D.W. RIDGWAY: Walk out on the wharf, as the Hon. Robert Brokenshire says, but even a restaurant that looks back at the cliffs rather than out to the sea may well be something that the private sector might like to get involved with. I will make some quick comments—

The Hon. R.L. Brokenshire: Don't rush. It's only early.

The Hon. D.W. RIDGWAY: Yes, well, and I know some of us have had a little rest and have recharged their batteries as well. In relation to the Hon. Gerry Kandelaars' amendment, which I am sure he will move shortly, he wants us to delete the Hon. Robert Brokenshire's third paragraph and say that he wants to welcome the state government's southern corridor structure plan which will include all of Port Stanvac and assist with the development of the facility. I actually googled it on my iPad and all I could find is a tender for the southern corridor structure plan. I can't actually see anything. It is sort of mentioned in the 30-year plan but there is nothing there. So we have to be a bit more proactive as a chamber—

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

The Hon. D.W. RIDGWAY: That's right. Gerry believes what the department has given him. He has swallowed it just like a big snapper would off the end of the Port Stanvac Jetty. He has taken it hook, line and sinker and said, 'That'll do; I'll put that in as an amendment.' I think this is an

opportunity for this chamber to send a message to the government and the community that this is an important bit of infrastructure.

I am also aware of the coastal trail—the name of it eludes me—that runs from North Haven down to Noarlunga and does the whole coast. It doglegs around Port Stanvac, so that is another thing that should go along the top of the cliffs. I also think there are some opportunities to put some recreational facilities there, such as a caravan park or an RV park. It is almost right on the railway line, so there is an opportunity to make that a site where the travelling public, the Grey Nomads, can come into Adelaide, park, get on the train, come into the city, go to the footy and experience all that Adelaide has.

There was some discussion about a park on some disused land at Port Adelaide. Again, that is useful because it is on the rail corridor. I think Port Stanvac is clearly a site that needs further consideration because I have yet to see anything develop from the government's plan for the southern corridor referred to by the Hon. Gerry Kandelaars.

We do not want the government to take responsibility for the jetty at this stage. We think a better option is for the government to master plan it. Ultimately, it would be a better situation for the jetty. I understand that nearly every jetty, other than the big ones that Flinders Ports own, is basically under local government control. It is a big bit of infrastructure. If it could be commercialised by someone putting a facility at the end of it—a restaurant or something—that could generate some revenue that could sustain the jetty, or the wharf, as the Hon. Robert Brokenshire calls it.

My colleague in the other place, Mitch Williams, who prepared a briefing paper for our party room, said that it costs $300,000 a year to maintain it, so it is quite expensive. We have a four-year election cycle, so it could give the state government $1.2 million. We actually think it would be better if Mobil put it up to the private sector to develop. If the government was prepared to come to the party and master plan the area, we may well come up with a good solution that gives a positive tourist outcome and retains a bit of infrastructure.

I am sure that the Hon. Mark Parnell would agree that it would be extremely difficult to build that type of wharf or jetty out into the gulf with all the environmental controls. It is there. The natural environment has adapted to it and it has probably colonised most of what is below the water, so it seems sensible to me to leave it and capitalise on the assets that are there and maximise the benefits for the people of the south and the broader South Australian community.

The Hon. G.A. KANDELAARS (22:13): Following the announcement of Exxon Mobil's decision to permanently close the Port Stanvac refinery, the state government established an interdepartmental task force chaired by the Department of the Premier and Cabinet to consider issues related to infrastructure on the Port Stanvac site, including the existing underground pipeline, the Birkenhead pipeline and the wharf facilities.

The task force includes representatives from the Department of the Premier and Cabinet; the Environment Protection Authority; the Department of Planning, Transport and Infrastructure; the Attorney-General's Department; the Department of Manufacturing, Innovation, Trade, Resources and Energy; the Department for Communities and Social Inclusion; Primary Industries and Regions SA; the Department of Environment, Water and Natural Resources; the Urban Renewal Authority; and SA Water. The state government has undertaken extensive investigations to find an alternative commercial or government use for any of the infrastructure.

In late August 2012, Exxon Mobil advised in writing that the demolition of the Port Stanvac refinery infrastructure has commenced and that it has engaged the petrochemical facilities demolition expert, Euro Dismantling Services Australasia Pty Ltd (EDS), to manage the demolition. Exxon Mobil has said that the initial demolition and removal phase will cover all refinery process plant and associated above-ground infrastructure and facilities, including piping, storage tanks, the chimney stack and the office buildings from the site. This work is scheduled to be completed by the end of 2013.

Following the demolition of the above-ground infrastructure at the end of 2013, Exxon Mobil will continue to remove the underground structures, including pipes and footings. Exxon Mobil has engaged a South Australian Environment Protection Authority accredited site environmental auditor to oversee the regular environmental assessment of the refinery site.

From 2014, when the existing infrastructure has been removed, Exxon Mobil will conduct ongoing environmental remediation of the site to make sure it is suitable for future industrial use.

This includes ongoing monitoring and remediation of groundwater. No decision has been made about the future of the wharf and these structures are not included in the main demolition contract. I move the following amendment:

Leave out paragraph 3 and insert new paragraph—

3. Welcomes that state government's Southern Corridor Structure Plan, which will include the whole of the Port Stanvac site and assist with the development of the facility.

The Hon. R.L. BROKENSHIRE (22:17): Given that, at late notice and a late hour of the night, we have had these two significant amendments to derail a motion that is of utmost importance to the state's future—for defence, for tourism, for recreation and for southern opportunities—I am now going to move that the debate be adjourned until next year, so that I can take enough time to seriously consider—

Members interjecting:

The Hon. R.L. BROKENSHIRE: —well, it's another night, another day—seriously consider all of this and work out a way that we can actually save the wharf and promote the south. I seek leave to conclude my remarks.

Leave granted; debate adjourned.

RIVERBANK FOOTBRIDGE

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

That the regulations under the Development Act 1993 concerning the Riverbank footbridge, made on 12 July 2012 and laid on the table of this council on 17 July 2012, be disallowed.

(Continued from 17 October 2012.)

The Hon. K.J. MAHER (22:20): I am going to speak very briefly. This has been moved as a matter about planning and proper approval. I will let the council know that I am advised that the footbridge was included in schedule 1A (development requiring building rules consent only), as Crown development applications are excluded from being made in the Parklands.

The majority of the footbridge is in the Parklands. The southern portion is located in the institutional zone where Crown developments are envisaged. The provisions excluding Crown developments applications from the Parklands were incorporated into the Development Act 1993 as a consequential change arising from the Adelaide Parklands Act 2005, and that was made in 2006. In the second reading speech for the parklands act then minister, the Hon. Paul Holloway, stated that the consequential changes:

...will prevent future governments using either the nature project, crown development or electricity infrastructure development powers to provide ministerial development approval within the Park Lands.

The second reading speech went on to state:

The intent is to have the development regulations 1993 subsequently amended, where necessary, to clarify the assessment of such projects in the future by either the Development Assessment Commission or the council, as appropriate, against the development plan.

The footbridge has been subject to significant design input regarding both the appearance and location of footbridge, both of which will ensure that it is an attractive and integral link to the Adelaide Oval. The footbridge still requires a building rules assessment and development approval to be issued before it can be constructed. This approach is consistent with the approach taken by the Adelaide Oval Redevelopment and Management Act, which preserves the need for building consent for structures associated with the development.

Schedule 1A has previously been used for a similar purpose: the relocation of the cooling towers associated with the Convention Centre redevelopment. As is the case with the footbridge, schedule 1A was used, as the cooling towers have been temporarily relocated from the institutional zone to the Parklands zone. A recent city council survey, reported in the *City Messenger* on 22 October, indicated that 60 per cent of residents supported the footbridge proposal. Having outlined those reasons, I can indicate that the government does not support the motion before the chamber.

The Hon. D.G.E. HOOD (22:23): This motion raises a number of issues. It seeks to disallow regulations, but I think the real issue comprises questions that are broader than appear on the face of the motion, necessarily.

The Hon. R.L. Brokenshire interjecting:

The Hon. D.G.E. HOOD: That's encouraging, thanks, Rob. I could not let that go: it was hilarious. My view of the issues we grapple with in this motion is that two issues really arise. The first one is the question of whether the footbridge is an appropriate development in that locality and whether the size and dimensions are appropriate and, secondly, whether the process that has been used by the government to enable the development to proceed is appropriate. I will attempt to address those now.

There has been much public debate about the size and dimensions of the footbridge as well as the cost; some argue that it is too big and some argue that it is too small. I want to place firmly on the record that I am concerned about the cost of the footbridge. I think $43 million is the figure I have read in the media, like everyone else, and it seems an extreme amount of money for what is being proposed. I hope that the government has been as careful as possible in getting an appropriate cost for such a development because it really does seem an extreme amount of money. Obviously, in our state at the moment there are many people who could make very good use of such a very large sum of money.

However, for my part, my response to this motion is that I see the essence of the motion as a question of process rather than the merits of the footbridge itself. It is really about how the development is approved rather than whether or not we should have footbridge. I therefore consider the process by which the government has enabled the construction of the footbridge as my primary contribution this evening.

It is not a run-of-the-mill development, obviously. It is a major project and it is on absolutely prime public land. There are no standard guidelines that can be brought out and applied for such a development. I understand that it is unique. We do have very small footbridge, the so-called university footbridge at the other end of the Torrens, but this will be something that Adelaide has not seen before.

Certainly there are some political considerations, there are obviously engineering considerations and, obviously, there are also environmental considerations. I have therefore concluded that it is appropriate for the government of the day to form a view as to whether the public will consider this footbridge to be appropriate or not. If, indeed, the footbridge is in due course seen to be too big or too small or too costly (and I think one could easily argue that it is too costly), then the government will have to answer for that at the next election. Ultimately, it is the government's responsibility to get this right.

I have always been in favour of eliminating red tape in the development process. For some projects there is a need for detailed study and consideration of all the effects and consequences of the development. We have extensive development and planning laws and they are adhered to every single day by developers and people building all sorts of things around the state.

Mining projects are an example of projects in that category but, for major public projects where the advantages and disadvantages can be weighed up and debated by the public, my view is that the government of the day, whether it be Liberal or Labor, is entitled to make an assessment of the merits and stand by that assessment. At the end of the day, they will be judged by it.

My view is that we all need to be vigilant to ensure that those proposing any development are not required to jump through too many hoops and satisfy endless requisitions for what can be seen to be little purpose at times. Development approval should always be a streamlined process, eliminating delays and unnecessary investigations and reports. I have a general concern that as time goes by more and more requirements are placed on developers such that development in this state can be increasingly difficult. It is not just in this state, of course, to be fair: it is in other states and, perhaps, increasingly so in the western world.

The practical effect of the regulation that is sought to be disallowed is to add the project onto the Adelaide Oval redevelopment project such that no independent assessment is required. In that sense, the approval process is largely a political process. I consider that to be appropriate because the project is a major project associated with the Adelaide Oval redevelopment. The government has made a detailed assessment about the footbridge.

It is, after all, the initiative of this government to go ahead with the redevelopment of the Adelaide Oval, and the government has made that assessment. At some point a decision has to be made. To me, that decision is not likely to be better with any more reports, more considerations, more delays and even more expense. I am, therefore, unable to support this motion this evening.

In saying this, I acknowledge that the motion is being put forward with the best intentions. I appreciate that the footbridge is a development that has been the subject of much public debate and I can understand fully why some might oppose the footbridge as it is presently planned and, as I said, the cost in itself is very substantial. But, to me, the overriding principle is that development should not be hindered or delayed by extensive processes that amount to red tape, essentially, and not much else in many cases.

Whatever this chamber does, the footbridge will go ahead. The motion is not about the merits of the footbridge but about the process for approval. Family First makes no judgement about the merits of the footbridge in this motion necessarily but we do support the approval process that has been applied to this particular development and, for that reason, we will not be able to support this motion.

The Hon. M. PARNELL (22:28): I will be brief. Footbridge or no, this regulation must go. To exempt it from the act is avoiding the fact that the Parklands are special, so to this reg we say no. The Greens will be supporting the disallowance motion.

The Hon. J.M.A. LENSINK (22:28): I thank the Hon. Kyam Maher, the Hon. Dennis Hood and the Hon. Mark Parnell who, in one of his very short contributions, has shown his literary flair in verse. I will be very brief because we have a number of items on the agenda but I do want to place a couple of comments on the record. The Hon. Dennis Hood did rightly point out that we have issues with process. We also have issues with costs, and I think Family First shares some of those concerns. It is not part of the promise that was made before the election and, given the budgetary situation, the Liberal Party is very concerned about the way in which these regulations have been promulgated.

Schedule 1A of the Development Regulations 2008 are certainly worth honourable members having a look at because it lists all of the items which are included alongside the development regulations that will apply to this area. One of the things which I do not think has been covered by a number of honourable members is the issue of the Parklands. They should only be built on as a last resort, and any development that occurs on the Parklands deserves to have particular scrutiny.

I did, in my contribution on 17 October, say that I was going to be intrigued to hear why the government thought that this particular provision should be included in those development regulations, and I do not think I have heard any rationale as to why they were included in those particular regulations. I indicate that we will be dividing on this motion, and thank all honourable member for their contributions.

The council divided on the motion:

AYES (11)

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

NOES (10)

Brokenshire, R.L.	Darley, J.A.	Finnigan, B.V.
Gago, G.E. (teller)	Hood, D.G.E.	Hunter, I.K.
Kandelaars, G.A.	Maher, K.J.	Wortley, R.P.
Zollo, C.		

Majority of 1 for the ayes.

Motion thus carried.

SUICIDE PREVENTION

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

That this council calls on the Minister for Mental Health and Substance Abuse and the state government to address the failure in handling mental health patient, Mr Damian Kay, by adopting the recommendations of the State Coroner, Mr Mark Johns—

1. that the Department of Health should ensure that training in the assessment of suicidal risk should be provided both to medical undergraduates and doctors working in emergency departments;

2. that a junior doctor or a mental health nurse should not discharge a suicidal patient, particularly one brought in by police under section 57(1)(c) of the Mental Health Act 2009, from an emergency department, without having sought advice from a senior medical colleague, either an emergency department senior registrar or consultant, or a psychiatric registrar or consultant on call;

3. that a minimum set of information should be obtained before discharging a suicidal patient from the emergency department. It would also be appropriate wherever possible to obtain information both from family members and from current treatment doctors or other therapists. This sometimes might not be possible until the next day when an individual presents to the emergency department overnight; and

4. there should be assertive follow-up of suicidal patients. They should be offered by community mental health services, with expectations about timely face-to-face follow-up. Follow-up should be routinely offered to such patients and community mental health teams should be assertive and persistent in their attempts to see them face to face.

(Continued from 19 September 2012.)

The Hon. G.A. KANDELAARS (22:36): The government of South Australia is committed to leading the community's efforts to tackle suicide through awareness, prevention, intervention and support for those affected by suicide. The South Australian Suicide Prevention Strategy 2012-16 offers a way forward for reducing the impact of suicide by providing a suitable and coordinated approach to service delivery, resources and information, and targeted suicide prevention and postvention initiatives, activities and programs.

SA Health will work collaboratively with all government departments, the non-government sector, business and community groups to achieve the strategies, outcomes and objectives. The minister's Suicide Prevention Advisory Committee, in collaboration with the Office of the Chief Psychiatrist, will oversee the strategy, which will include regular monitoring of the progress on actions outlined in the implementation guide.

SA Health has a well-established process for responding to the recommendations resulting from the Coroner's findings of inquest. SA Health's preliminary position is that it supports the principle of the recommendations of the State Coroner, Mr Mark Johns. SA Health will consult with clinicians and others in addressing the details of these recommendations.

SA Health will, in accordance with this process, formally respond to the Coroner, reporting in detail on actions taken by SA Health within six months of the release of the Coroner's findings and recommendation. This will ensure that the recommendations are considered and implemented where appropriate, with expert input. This well-established process for responding to the recommendations should be undertaken, and therefore the motion should be deferred. I seek leave to conclude my remarks in the new year.

The ACTING PRESIDENT (Hon. K.J. Maher): Is leave granted?

An honourable member: No.

The ACTING PRESIDENT (Hon. K.J. Maher): Leave is not granted.

The Hon. J.S.L. DAWKINS (22:39): First, I would like to commend the Hon. Jing Lee for bringing this motion to the parliament. As someone who has been working in areas similar to this for a number of years, I applaud anybody who is prepared to raise these issues. When I started doing this work there were many people in the community who had a natural resistance to us talking about suicide and mental health matters at all. That resistance is breaking down but all of us, as leaders in the community in this chamber and in the other chamber, need to continue to raise those issues, so I commend the Hon. Jing Lee. As she said when she moved the motion, she moved it with a very heavy heart and I think anyone who speaks about such tragic circumstances does speak with a very heavy heart.

However, as I indicated in my matter of interest remarks earlier in the day, having been to several events recently where there are families bereaved by suicide getting together to support each other it is very important that we address these matters. These people need support but they also need our best efforts to allow them to support each other. I must say that in some of the events that I have gone to, I have attended and left them with a very heavy heart, so I do

understand the honourable member's remarks. If we save one life from suicide then we have done a good job but we must save many more than one life.

The honourable member's motion refers to the Coroner's report into the death of Mr Damian Kay. I would also like to refer to a previous report and public remarks by the Coroner (Mr Johns) in which he recommended that the statistics of suicide be published in the daily paper just as we read about the statistics of the road toll, because the number of suicides in South Australia that are recorded as suicides is far more than the road toll. I think we all realise that there are some that are recorded as part of the road toll that are actually suicides but the police cannot absolutely determine that they are suicides, so they go on the road toll rather than the suicide toll. That is something Mr Johns said that I will always remember and it is a pity that it has not been heeded.

I was interested to hear the Hon. Mr Kandelaars talk about the government's strategy—mental health and now suicide prevention strategy—and I am delighted that it has consulted, that it has an advisory group and that it has come up with a strategy. What I am yet to see out of that strategy is a demonstration of practical support for community groups. The strategy only happened because some of us in this parliament felt so strongly about suicide prevention that we moved motions in this house and the House of Assembly.

I moved a motion in this house last year and the member for Adelaide moved it in the House of Assembly. While the government fiddled around with the words on the member for Adelaide's motion downstairs, that was passed and certainly one was passed here. As a result of that, I think the government suddenly realised that it needed to do something. I welcome the fact that it has done it but there is a great big document there. There are also a lot of other documents that are printed and a lot of money, I must say, that is wasted on some of those documents. Some are quite good, but there are many that are a waste of money because people need to talk to real people from the community and not have a book thrust in their face.

I would also like to say that I am disappointed that the Hon. Mr Kandelaars tried to circumvent this debate and tried to stop it because the Hon. Ms Lee has moved this, as she said, with a very heavy heart but with the greatest of integrity and compassion. She gave an indication some time ago that she wanted to bring this to a vote tonight, and I think to try to do as the honourable member did was disappointing. I am not in the habit of denying leave, but in that circumstance I was very happy to do so.

In relation to the honourable member's motion and the remarks of the Hon. Mr Kandelaars, it is worth bringing to the chamber the recent Australian Medical Association mental health bed crisis statistics, which say that South Australia is lagging behind the modern world in its provision of acute mental health hospital beds; that South Australia averages significantly fewer beds than the Organisation for Economic Cooperation and Development (OECD) averages, which is 70 beds per 100,000 people.

The European Union averages 44 beds per 100,000 people, and South Australia averages 21 beds per 100,000 people in the 18 to 64 age group, while the national average is at 24.2 per 100,000 people. South Australia is the only state with the number of beds reducing rather than increasing. The Flinders Medical Centre lost funding recently; 12 mental health beds (or 30 per cent of its capacity) were lost, putting pressure on Noarlunga, where there is already overcrowding.

SA Health's response to the AMA statistics was to say that 20 mental health beds are to be built by mid-2014 (which still leaves a significant forensic overflow impacting on emergency departments for the next two years) and that this state is currently aiming to reach the national average or better.

In conclusion, I think I should just remind members that on this side of the parliament we have been committed at the last two state elections—and we are committed by way of policy—to making sure that community groups across this state, whether they be experienced in suicide prevention work or other organisations that are prepared to sponsor that work, are provided with seed funding to ensure that they can get the sort of coordinated community-based, culturally appropriate early response systems and suicide prevention programs out into the community in wide-ranging areas across the state. We are committed to that.

We believe in the community gatekeeper role. I think that the Hon. Jing Lee's motion goes to the fact that we can do more as community gatekeepers. We can never stop all suicides, but what we must do is to try to stop as many as we can. Who would know—if we had more of these

community-based groups out there, volunteers, people from all walks of life, trained and able to be used to point people in the right direction and give them pretty good advice, Mr Damian Kay and many others might still be alive today. I support the motion.

The Hon. J.S. LEE (22:49): I thank the honourable members of this council for their interest in my motion to call on the Minister for Mental Health and Substance Abuse to address the failure in handling mental health patient, Mr Damian Kay, by adopting the recommendations by state Coroner Mark Johns. I thank the Hon. Gerry Kandelaars and the Hon. John Dawkins for their contributions.

As the mover of this motion, I would like to take this opportunity to make some concluding remarks and to emphasise the premise of this motion once again. The aim of Mr Jarrad Kay's campaign by bringing up the matter concerning the death of his brother, Damian Kay, is not about blaming or bearing any ill feelings towards the young medical officer who discharged Damian Kay from the hospital, it is about bringing justice and improvement to the health system.

For those who have read the state Coroner Mark Johns' findings into the suicide death of Damian Kay (38 years old), you will clearly see that it is due to the failing of the South Australian health system, through lack of training and supervision, which failed Damien Kay by placing him in high risk of self harm.

Health professionals have a duty of care to their patients. This duty of care involves the provision of information as well as treatment. I would like to bring to members' attention 'duty of care'. It is commonly accepted that duty of care means the extent to which a health care provider must reasonably ensure that no harm comes to a patient under the provider's care.

In one of the advocacy briefs prepared by the National Mental Health Consumer and Carer Forum they elaborate on the meaning of 'duty of care'. The advocacy group pointed out that a duty of care is extended to governments, their bureaucracies, service organisations and individual service providers. All of these organisations have a duty to take positive action to ensure that the provision of health care services are of a proper standard.

Delivering a proper duty of care requires the provision of a transparent level of accountability. Governments are accountable not only for their successes in mental health care, but also for their failures with people with a mental illness, many of whom are the most vulnerable in our community, as in the tragic case of Damian Kay.

I wish to place on the record my thanks and gratitude to my esteemed colleague the Hon. John Dawkins for his contribution today supporting this important motion. The Hon. John Dawkins has been a passionate campaigner for mental health issues, which has recently seen him being appointed as the shadow parliamentary secretary for mental health and suicide prevention by the Leader of the Opposition. I am really grateful for his important mental health policy work which demonstrates that South Australian Liberals are committed to providing an approach focused on education, early intervention, communication and reporting. Today, with the great work of the Hon. John Dawkins, the Liberal's suicide prevention policy gets a big tick.

I am a greater believer that where there is a problem or a system failure, which is clearly what happened with regard to the handling of Damian Kay as a mental health patient, it would be in the best interests of members of parliament to address the problems. The Kay family's intention is to use the Coroner's report to bring up this important matter in parliament with the hope of raising further awareness of suicide prevention in the community and, by this motion, to call on the minister and the government to implement the recommendations of the Coroner and bring improvement to the health system in South Australia.

I am disappointed with the response of the government because although it recognises there are problems, there is little compassion and willingness to concede the findings. I trust the other honourable members can see how important this motion is. When dealing with mental health issues there ought to be a sense of urgency. Suicidal intents are not always obvious because most of the victims are living in darkness. Therefore, I ask all members of parliament to consider the duty of care in all of us and I urge everyone to support this motion.

Motion carried.

STATUTES AMENDMENT (SEX WORK REFORM) 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) (22:55): I move:

That this order of the day be discharged.

I stand to discharge this motion, but I just wanted to say a few brief things before I do. This bill will be withdrawn. I think it is most unfortunate, but I want to place on record my appreciation of all those who have been involved in having this bill developed and getting it this far. A number of people have been involved, most notably the Sex Industry Network, the Scarlet Alliance, various women's groups and of course, most significantly, the Hon. Steph Key and her staff, and also my staff.

It was always clear that this was going to be a very difficult issue to tackle, a very difficult bill to get through, given that the topic elicits a wide range of very passionate reactions. Nevertheless, I am absolutely certain that our current legislation around sex work is not going to be supported. It was defeated in the other place and I do not believe it has support from this council either. In spite of that, I and others remain extremely committed to decriminalising sex work.

Change in this area is long overdue. We are doing a great disservice to sex workers by allowing them to go on being criminalised and therefore not protecting their rights at work. This is most unfair and unjust and puts people potentially at risk of harm. We are also wasting the resources of SAPOL, who are responsible for upholding our current inadequate laws. I look forward to working with those members in this place and the other place who support decriminalisation, with the goal of arriving at a model that the majority of members can support.

Motion carried; bill withdrawn.

CHILDREN'S PROTECTION (LONG-TERM REMOVAL REVIEW PANEL) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 4 April 2012.)

The Hon. S.G. WADE (22:58): I rise on behalf of the Liberal Opposition to indicate our support for the second reading of the Hon. Ann Bressington's Child Protection (Long-Term Removal Review Panel) Amendment Bill 2012. At the outset I would indicate that the opposition has requested that the honourable member postpone the committee stage of the consideration of the bill until next year so that the opposition may consider proposing amendments to the bill.

The Hon. Ann Bressington introduced this bill into the Legislative Council on 4 April 2012. The bill proposes to establish a panel to review all applications by the minister for long-term guardianship before the applications are heard by the court. Further, the minister may refer for consideration any matter relating to the long-term guardianship of children to the panel.

The opposition acknowledges that there is always room for improvement of the child protection system and that this bill proposes sensible measures that could be the basis of such improvement. The bill proposes that a five-member panel be established consisting of two child psychologists who have not been employed or engaged by the minister or the department in the preceding two years; a member who has expertise, knowledge or experience in relation to family preservation models; a legal practitioner of at least five years' standing; and a person who is regularly appointed to act as a child's advocate at family care meetings.

The minister would appoint the panel members. The proposed panel would have the powers to compel attendance and production of relevant documents, and appropriate confidentiality provisions would apply. Following consideration of the long-term guardianship application, the panel would either recommend that the application proceed, that a 12-month order be sought instead, or any other recommendation in relation to the child.

The minister is not obliged to accept the panel's recommendation but if they disagree as to what is in the best interests of the child, they must provide a written report of the decision specifying the reasons for that decision. In that case the court is to receive a copy of the panel recommendation and the minister's report. Further, the panel will conduct annual reviews of the circumstances of children.

The bill seeks to improve transparency and the process surrounding the application and granting of long-term orders. Concerns have been raised that when an application is made to the court to remove a child from their family and place them in state care, the court is only able to see a

limited amount of the case information held by the department. The bill intends that the panel would be able to review the entire department case file so the decision to grant the order is done with a better understanding of the circumstances of the case.

Certainly in my role as shadow attorney-general I have had concerns expressed to me that in the Youth Court, for example, judicial officers do not have access to the range of material in relation to young people that is available in other courts. Further, under the bill, the panel can provide valuable support for a minister faced with difficult issues relating to long-term care.

Interested parties have suggested to the opposition that consideration of this bill may well spark further reform in the child protection system. Some of the areas that parties suggest need to be looked at are where social workers have applied to have children removed from long-term foster families, and the availability of review processes in these circumstances. Other advocates have highlighted the possibility of the court allowing children to be placed with their grandparents consequential to an application being made.

Other concerns raised have included that, where children are removed from their parents, the parents are usually uninformed of the legal process in which they are engaged and, as a result, they are often not in a position to contest the removal or address the underlying behaviour which led to that removal order being sought. The panel may well give such parents an opportunity for the process to stop and pause and reflect.

The bill proposes to provide a check and a balance before an order for guardianship until age 18 is made to the court. These orders often have a significant impact on a child's future, and it is imperative that they are not made lightly. It is only in recent months that we have reflected on the negative impacts of previous generations of child protection policies. It is incumbent on us to do what we can in our generation to minimise any negative impacts.

The panel may prove to be a better body for the review of circumstances of a child under long-term guardianship of the minister than the current arrangements. Currently the court can engage experts for their input on these matters but, given its composition, the panel may be a very useful ready source of advice and, considering the breadth of the expertise, in a better position to review orders over the longer term.

Having said that, we do have concerns about the composition of the panel perhaps being too prescriptive. Other interested parties have raised concerns that the panel may add to the administrative burden of what is already an administratively-burdened department—Families SA. There are concerns that rather than helping families this may divert resources towards bureaucracy rather than services on the ground and delivering what is in the best interests of a child.

The opposition certainly considers, for all of the reasons that I have just mentioned, that this proposal is well worth further consideration. We would certainly be keen to engage the Hon. Ann Bressington in further consideration of this bill, but would seek the opportunity to undertake further discussion and consider amendments to the bill.

The Hon. K.J. MAHER (23:05): I rise to inform the chamber that the government does not support this bill as it does not advance the care and protection of children in South Australia beyond the existing legislation. The Hon. Ms Bressington has put forward a number of statements she claimed as evidence of the need for the proposed bill. These statements relate to the adequacy of current legislative governance and practice frameworks surrounding the removal of children or young people until the age of 18, and to the conduct, practice and integrity of the work undertaken by Families SA.

The Hon. Ms Bressington's statements are not reflective of the current policies and procedures that exist when long-term orders are sought. Significantly, the Hon. Ms Bressington's bill appears not to recognise the established role of the Youth Court under existing legislation as an independent authority and decision-maker in these matters in testing evidence and, importantly, in providing legal recourse to parents.

The Hon. T.A. FRANKS (23:06): The Greens support the Children's Protection (Long-term Removal Review Panel) Amendment Bill put before this council by the Hon. Ann Bressington. The bill seeks to ensure there are limits on the removal of children from their parents and that only in those cases where there is no realistic prospect of reunification between child and parents do those cases go to the Youth Court for consideration. This bill does not detract from the role of the Youth Court. The Youth Court will in fact remain the ultimate arbiter of whether an order should be granted.

The Hon. S.G. Wade interjecting:

The Hon. T.A. FRANKS: It will ensure, as the Hon. Stephen Wade interjects, that they will have more information when they make those decisions, and quite wisely so. The bill, in order to effect this, establishes a long-term removal review panel, which will be required to review and report to the minister on every application for an 18-year order prior to that application being lodged in the Youth Court.

The panel will be a permanent body comprising five members, each serving three-year terms comprised of one member with expertise in relation to family preservation services, two child psychologists who have not been engaged by the Department for Families and Communities (or the relevant department) within the preceding two years, a legal practitioner of five-years standing and a child advocate from the Youth Court.

The panel would also assume the role of conducting reviews of circumstances of children under long-term guardianship, which are required to be undertaken every year by section 52 of the Children's Protection Act. We think this is a common-sense solution to a problem to which perhaps the government should be turning its attention.

We note that this bill has received support from groups such as grandparents4grandkids and also, as the Hon. Stephen Wade mentioned, other groups who see its application potentially to situations for foster carers and, in particular, the group that used to be known as children in crisis, now known as Foster Care Family Advocacy, which we understand supports this bill.

With those few words we commend the bill and understand that it is not proceeding beyond clause 1 tonight. We hope that those who have issues with the bill and wish to make amendments do so in a constructive way as obviously it is the children who are paramount in this.

The Hon. D.G.E. HOOD (23:08): I rise to speak in support of the Children's Protection (Long-term Removal Review Panel) Amendment Bill introduced by the Hon. Ann Bressington. On behalf of Family First, I advise that we strongly support this bill. This bill establishes a panel, the function of which will be to review proposed applications under section 38(1)(d) of the Children's Protection Act, to have a child placed under the guardianship of the minister until the child reaches the age of 18. As members would be aware, such an application is made when a child is at risk and the child should be taken away from the custody of the parents for the child's care and protection. Obviously this is a very serious matter.

The bill provides that the panel will consist of two child psychologists, one legal practitioner and two other members with relevant experience. Departmental information must be provided to the panel, and its procedures allow it to collect additional information, including confidential information concerning a relevant child about which an application will or may be made.

The panel may recommend that, one, the application proceed or, two, instead the minister seek an order that the guardianship be limited to a period of less than 12 months or, three, make any other relevant recommendations. The panel must give reasons for its recommendations, quite sensibly. If the minister decides not to accept the recommendations of the panel not to proceed with an application, he may still proceed with the application but the Youth Court must be advised of the recommendation and all relevant reasons.

The panel is essentially an oversight panel. I share with the Hon. Ann Bressington concern for children who are the subject of orders to be under long-term guardianship of the minister. There are very real questions about the operations of the department and its management of such cases. Obviously, youth are indeed the next generation in our community, and we cannot afford to make any mistakes in relation to the care that we as a community provide for them. There are many very sad cases where applications for guardianship by the minister are sought. In such cases, it is essential that a careful decision is made so that the best outcome is possible.

Since the report of the panel is to be placed before the court, it may well be that the court will come to value the compiling of information and expert assessment that the panel can provide, such that the length of hearings may be reduced. Importantly, the panel will provide an avenue for parents who contest the application to put their views and concerns without the need to go to court and possibly pay the costs of a lawyer and all the other associated costs. The panel is in a position to assess the concerns of the parents and evaluate them independently of the department. This independent review will provide a valuable check and a very worthwhile step in the right direction.

One of the unfortunate features of applications for guardianship is that as soon as such an application is under consideration there is a situation of conflict between the parents and the

department. They will both see themselves as prospective litigants opposing each other. The department will be seeking to prove that the parents are unsatisfactory and not fit to bring up the child; the parents will seek to prove the contrary. In those circumstances, trust is destroyed and a situation of antagonism is developed.

The department is then no longer in a position to give positive guidance to the parents about caring for the child. The parents no longer trust the department and will not provide information that could lead to useful advice because the information may be used against them. They will not admit that they have shortcomings in raising their child and seek advice about overcoming their shortcomings because this will add to the evidence that the parents are not able to provide adequate care.

In litigation, each side wants to win and to have its views confirmed by the court. Whilst there is no complete solution to this problem, the establishment of a panel to independently assess information would open the possibility of the department taking on a more conciliatory role towards the parents, and I believe this should be encouraged.

The care of children is a matter of vital importance. I note that during her parliamentary career the Hon. Ann Bressington has had much experience in dealing with complaints from constituents on these types of issues and has brought them to this chamber on a number of occasions. She is very clear in her vision that there is a need for a long-term removal review panel, and Family First strongly supports her in that view.

Debate adjourned on motion of Hon. J.M.A. Lensink.

LOCAL GOVERNMENT (ROAD CLOSURES—1934 ACT) AMENDMENT BILL

Second reading.

The Hon. CARMEL ZOLLO (23:13): I move:

That this bill be now read a second time.

When section 359 of the Local Government Act 1934 was enacted in 1986, it was intended that this provision would be used only for temporary road closures. However, as the chamber is aware, this section has been relied upon for hundreds of permanent road closures across South Australia, only two of which were controversial and only one of which remains controversial. The two that were controversial were controversial because both unilaterally denied people from the neighbouring municipality access to the municipality that imposed them.

I understand a general survey of the *Government Gazette* by the Office for State/Local Government Relations last year showed that since 2006 a total of 52 roads have been affected, either partially or fully, and the resolutions remain in force in reliance on section 359 of the 1934 act. These closures were enacted without prior community consultation and took effect almost immediately.

The member for Croydon has remained an advocate for over 25 years for Barton Road's closure being subjected to due process and he has drafted the bill before us in consultation with the community, government agencies and the Local Government Association. I am reliably informed that he has more than 6,000 South Australian electors each matched against the electoral roll supporting this bill.

I understand that section 359 had already been earmarked for repeal through the review of the local government acts. The intention was to move away from the odd position in which we find ourselves of having two local government acts—1934 and 1999. I think the honourable member's proposal complements this legislative development. I think the bill takes a sensible approach rather than proposing a complete repeal of section 359 which would in effect require the reopening of an unknown number of council roads. The bill preserves section 359 closures, therefore roads currently closed under this section will remain closed despite the repeal of the power on which councils rely. The Local Government Association maintains neutrality on the bill.

The exception will be roads that are closed pursuant to section 359 that are deemed to be prescribed roads. The Governor by proclamation may declare a road to be within the ambit of the definition of a prescribed road. Clause 1(4) of schedule 1 defines prescribed roads as 'an area of road or road reserve marked with the letter A in the plan set out in schedule 2'. That plan illustrates in a map the Barton Road reserve within which is located the Barton Road bus lane. It is pursuant to this section that Barton Road is reopened to two-way traffic.

From the time the act is intended to come into operation on 1 July 2013, no council will be able to utilise section 359 to close a road or any portion thereof to local traffic. However, this does not mean that councils will no longer be able to direct which roads are open to traffic and which should be closed off.

If a council wishes to close a road, there are three other statutory provisions on which it may rely: (1) for a special occasion when a road or public place is expected to be unusually crowded, the mayor may give reasonable directions under section 59 of the Summary Offences Act 1953; (2) a partial or full road closure for the purposes of rationalising the flow or impact of traffic may be undertaken pursuant to section 32 of the Road Traffic Act 1961; for this process, at least one month's public consultation is required; and (3) alternatively, to close a road on a permanent basis, the procedure outlined in the Roads (Opening and Closing) Act 1991 is available. This option also requires a period of public consultation.

The Adelaide City Council applied for permission to close Barton Road under the Roads (Opening and Closing) Act in 1992 and was refused on the grounds that the road was reasonably required for public use. As I have mentioned, section 359 was already earmarked for repeal. The basis for this action is simply that all future road closures should be subject to community consultation.

Section 359 was never intended to be available for a council to close a road indefinitely. It is unfortunate that this is how it happened with Barton Road in 1994. The principle for which the member for Croydon has been arguing for so many years is that if a local council seeks to close or impose traffic restrictions on a road leading from its territory into that of a neighbouring council, it should do so with the consent of the neighbouring council, unless of course it chooses to use the conventional means, namely the Roads (Opening and Closing) Act, in which case the Surveyor-General and the minister adjudicate in the public interest. As Rex Jory wrote in *The Advertiser* in November last year:

> North Adelaide residents may deny it, but the closure of Barton Road is a shameful piece of class discrimination. The upstairs and downstairs of the street directory. A case of money talking...they give the appearance of seeking to retain a privilege available to few other South Australians.

The provisions I mentioned mean that councils will still have available under the Road Traffic Act 1961 means to effect new closures of roads entirely within their own territory without resorting to the formalities of the Roads (Opening and Closing) Act. Although it is not intended that the power of the Governor to proclaim as reopened a road closed pursuant to section 359 other that Barton Road, an adequate period of 12 weeks for the affected council has been provided in the bill should it ever be deemed appropriate for such a declaration to be made. This is a fair approach.

I am aware that some residents of North Adelaide have raised concerns about the bill, in particular, the potential impact it will have on road safety and traffic flow in their suburb. Other North Adelaide residents support the reopening of the road. Although these are valid concerns, I believe the obstacles are not insurmountable. With proper planning between the Charles Sturt and the Adelaide City councils, as well as the state government, workable solutions can be achieved.

Debate adjourned on motion of Hon. J.M.A. Lensink.

INDEPENDENT COMMISSIONER AGAINST CORRUPTION BILL

The House of Assembly agreed not to insist on its disagreement to amendments Nos 3, 24, 39, 40, 42 and 43; agreed to the alternative amendment to amendment No. 6; and agreed to the consequential amendment made by the Legislative Council.

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

The House of Assembly agreed to the amendments made by the Legislative Council without any amendment.

SPENT CONVICTIONS (MISCELLANEOUS) AMENDMENT BILL

Received from the House of Assembly and read a first time.

UPPER SOUTH EAST DRYLAND SALINITY AND FLOOD MANAGEMENT (POSTPONEMENT OF EXPIRY) 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) (23:23): I move:

That this bill be now read a second time.

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

Leave granted.

The Upper South East Program was developed in the early 1990s to address community concerns about dryland salinity, waterlogging and the degradation of ecosystems. On 19 December 2002, the Program was provided with specific legislation, being the *Upper South East Dryland Salinity and Flood Management Act 2002*. The work associated with this Program has served to protect and improve the environment and agricultural production and provides for the ongoing management of the drainage system.

This Act has an expiry date of 19 December 2012. In June 2011, the Upper South East Program was completed and the upper South East drainage system moved from construction to operational phase. In order to enable this management to continue, the expiration date of the *Upper South East Dryland Salinity and Flood Management Act 2002* needs to be extended. This Bill proposes to amend the expiry date to enable the Act to continue until 19 December 2016. The Act has previously been extended in 2006 and in 2009.

The Government has introduced a new *South East Drainage System Operation and Management Bill 2012* in the Parliament which will provide for the integrated management of both the lower and upper South East drainage systems, which are currently governed by both the *Upper South East Dryland Salinity and Flood Management Act 2002* and the *South Eastern Water Conservation and Drainage Act 1992*. However, until this progresses, it is imperative that the expiration date of the *Upper South East Dryland Salinity and Flood Management Act 2002* is extended in order to enable the ongoing management of the drainage system.

In addition to this, the extension of the *Upper South East Dryland Salinity and Flood Management Act 2002* could serve as a vehicle for potential future infrastructure works, such as the proposed South East Flows Restoration Project. This project is being investigated at the moment to further reinstate the natural movement of water from the mid and lower South East towards the upper South East, and deliver surplus water to the Coorong South Lagoon. It would likely involve the integration and upgrade of existing drainage system infrastructure and the construction of new drainage infrastructure.

Furthermore, this Bill proposes to amend the Upper South East Project Area to cover the area required to deliver stage 1 of the South East Flows Restoration Project. This will limit the spatial extent of the Minister's functions regarding infrastructure works.

If this project is determined to go ahead as a result of consultation, the *Upper South East Dryland Salinity and Flood Management Act 2002* could be used to acquire the interests in land through statutory easement and undertake works on private land. In light of this, further amendments may need to be made to this Act at a later date, but this is not the subject of the amendment now. Now we are concerned with ensuring that we have a management regime in place for the drainage system.

Explanation of Clauses

Part 1—Preliminary

1—Short title

This clause provides for the short title to the measure.

2—Commencement

This clause provides that this measure will, apart from clauses 4 and 5, come into operation on assent. Clauses 4 and 5 will come into operation on a day to be fixed by proclamation.

3—Amendment provisions

This clause is formal.

Part 2—Amendment of *Upper South East Dryland Salinity and Flood Management Act 2002*

4—Amendment of section 3—Interpretation

This clause proposes to amend section 3(1) by deleting the current definition of *Project Area* and substituting a new definition as follows:

Project Area—the Project Area is constituted of—

(a) subject to paragraph (b)—the area or areas of land described in the revised Rack Plan 1067 lodged in the Surveyor-General's Office at Adelaide, as at 9 November 2012; or

(b) if the regulations describe or delineate another area or other areas of land to constitute the Project Area—that area or those areas.

5—Amendment of section 4—Identification of Project

The amendment to this section proposes to delete subsection (3) and is consequential on the amendment proposed by clause 4.

6—Amendment of section 45

Current section 45 provides for the principal Act to expire on 19 December 2012. The proposed amendment will mean that the Act will not expire until 19 December 2016.

Debate adjourned on motion of Hon. J.M.A. Lensink.

At 23:24 the council adjourned until Thursday 29 November 2012 at 14:15.