LEGISLATIVE COUNCIL

Wednesday 10 April 2013

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

LEGISLATIVE REVIEW COMMITTEE

The Hon. J.A. DARLEY (14:17): I bring up the 24th report of the committee.

Report received.

PAPERS

The following papers were laid on the table:

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

Review of Changes to Holidays Act 1910 Final Report dated March 2013
Review of Changes to Shop Trading Hours Act 1977 Final Report dated March 2013

By the Minister for Sustainability, Environment and Conservation (Hon. I.K. Hunter)—

Upper South East Dryland Salinity and Flood Management Act 2002 Quarterly Report—1 July 2012 to 30 September 2012

TRADING HOURS

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for the Status of Women, Minister for State/Local Government Relations) (14:18): I table a copy of a ministerial statement relating to shop trading hours made earlier today in another place by my colleague the Premier.

QUESTION TIME

FORESTRYSA

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:19): I seek leave to make a brief explanation before asking the Minister for Forests a question about local jobs and her government's ruthless sell-out of the forestry industry.

Leave granted.

The Hon. D.W. RIDGWAY: The opposition warned that the forward sale of the state forest products would cost local jobs. The government ignored the warning and they called it false. The government sold the publicly owned ForestrySA assets. The new owner is a consortium, called OneFortyOne Plantations, headed by the American Campbell Group.

It made the announcement on 17 October last year in a press release issued from Portland, Oregon, which said that the company now owned, and I quote, 'the highest quality softwood plantations in Australia'. You can find out more information on the sale by phoning the number, but it was an international call. Economists, the forestry industry, local traders, timber workers and their families said local jobs would go interstate. My questions to the minister are:

1. Is the position of chief operations officer for OneFortyOne Plantations Ltd now being advertised?

2. Is the position of chief operations officer for OneFortyOne Plantations Pty Ltd, now being advertised, to be based in Melbourne?

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for the Status of Women, Minister for State/Local Government Relations) (14:20): I thank the honourable member for his questions. I do not have the answer to those questions. They are obviously matters for OFO, but I am happy to take them on notice and bring back an answer.

ROCK LOBSTER FISHERY

The Hon. J.M.A. LENSINK (14:21): I seek leave to make a brief explanation before directing a question to the Minister for Sustainability, Environment and Conservation on the subject of fisheries.

Leave granted.

The Hon. J.M.A. LENSINK: The government has announced it will commence licence buyouts in 2013 in association with the marine parks program. Various industry spokespersons state that the sanctuary zones at the top of the gulf will devastate fishing opportunities, with knock-on effects on the town of Port Wakefield, and interestingly the revised sanctuary zone in this location is actually larger than the original, with no accompanying explanation. The northern zone rock lobster industry has not yet been advised which SARDI methodology the government intends to use and has therefore withdrawn from the negotiating process.

The president of the South Australian Northern Zone Rock Lobster Fishermen's Association, Mr Trent Gregory, has said that he is, and I quote, 'extremely disappointed with your', being the minister, 'comments that the northern zone rock lobster fishery would not be affected by the loss of highly productive fishing grounds', which he describes as an 'exceptionally ill-informed comment to make'. He further says:

> As a result of our meeting, I feel both you and the Minister for Agriculture, Food and Fisheries have limited appreciation for, and understanding of the NZRLF [northern zone rock lobster fishery] and the impact your marine parks, and now the buyout, will have on the fishers' families and related businesses. Un-questionable scientific research has shown the rock lobster fishery is a benign fishery.

As a result of the current zones, effort is likely to be redistributed to more marginal fishing grounds. My questions are:

1. When does the government intend to finalise the adjustment process, and is that this year?

2. Does the minister agree that the South Australian rock lobster industry is harvested according to principles of sustainability?

3. At a time when every week businesses in South Australia are laying off staff or going broke, why is this government not seeking to find a win-win for industry and the environment?

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for the Status of Women, Minister for State/Local Government Relations) (14:23): The questions go to the fisheries portfolio. The fisheries displacement effort is a matter that is being managed through PIRSA. The South Australian network of 19 marine parks, as we know, took effect in November 2012, and the government has worked extremely closely with the fishing industry representatives over a number of years and is continuing to do so.

Our goal has always been to minimise the impact on our commercial fisheries, and that is because our fisheries industry is extremely important to us. It is very important to the economic viability of this state, it contributes significantly economically, and of course we are balancing that with the important protection of our marine environments as well. We think we have the balance right, and we continue to consult with and have an open dialogue with the industry.

PIRSA has worked with the Department of Environment, Water and Natural Resources to pursue what we have always called a pragmatic zoning to minimise the impact on aquaculture, commercial and recreational fishing activities which are environmentally, socially and economically sustainable and which are important providers of jobs and economic returns, not just to the state as a whole but particularly to our regions as well. Our marine parks have not been developed to manage fisheries or aquaculture, which obviously continue to be managed through the appropriate legislation.

The government has allowed two years for the restrictions on fishing to come into effect to enable fishers to prepare for changes. Trawling restrictions come into effect in March 2013, and all other fishing restrictions will apply from October 2014. We hope to have all of the displaced effort arrangements negotiated and finalised prior to October 2014. The government continues to run an education campaign to let the public know about the zoning, including where they will be able to fish.

The honourable member raised the issue of the northern rock lobster zone, and also it affects the central zone of abalone fishers. They are obviously very important industries to our regions. Considerable work has been done with these fishers and the community as well in an attempt to minimise impact. For instance, when the public consultation provided specific concern over the abalone and rock lobster fishing around Kangaroo Island, etc., the sanctuary zone was significantly reduced in size (in fact, the marine park by approximately 60 per cent) whilst maintaining a conservation outcome at this iconic biodiversity and tourism hotspot. So you can see where our efforts have been. As I said, there has been a 60 per cent adjustment.

On behalf of the government, the South Australian Research and Development Institute (SARDI) has used the most up-to-date and best information available provided by the abalone fishers and rock lobster fishers as well to help us estimate the potential of those impacts. They wanted to ensure that our figures were correct. They needed to be able to provide us with evidence of their fishing effort, and most have done that. They have worked with us in a highly cooperative way, I might add. I am very grateful for those efforts; it has helped with the integrity of this exercise. This also includes fished areas defined by abalone fishers and pot sampling data from the lobster industry. SARDI estimates the following displacement of catch for these fisheries: 5.7 per cent of the northern zone rock lobster catch; 3.1 per cent of the western zone abalone catch; and 3.1 per cent of the central zone abalone catch.

The government will seek to buy back the displaced abalone and rock lobster effort through an open and voluntary catch/effort reduction program. Compulsory acquisition, as I have already reported in this place, would only be a last resort. The marine parks, as I have said before, help maintain the long-term sustainable future of our marine environment. It is in the interests of us all and in the interests of our children and grandchildren, and this ultimately will underpin South Australia's valuable commercial fishing sectors.

ROCK LOBSTER FISHERY

The Hon. J.M.A. LENSINK (14:29): As a supplementary question, can the minister advise whether SARDI has determined which methodology it will use and, if not, when that will be?

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for the Status of Women, Minister for State/Local Government Relations) (14:29): SARDI has used a range of modelling. That is publicly available. That has been openly available in discussions and dialogue with the industry, so all of that is out there already. The industry is well aware. In relation to the figures, as I said, SARDI is happy to consider specific figures, but the industry has to provide us with evidence of that and, as I said, most of that work has been done and that information is available by our officers.

ROCK LOBSTER FISHERY

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:30): As a supplementary question, can the minister advise us what formula will be used to calculate the value for compulsory acquisition, should it be needed?

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for the Status of Women, Minister for State/Local Government Relations) (14:30): All of that information is available. It is all on the website. It has been out there with the industry, and it is a combination of past fishing effort and calculations that are made on that with the industry.

Members interjecting:

The Hon. G.E. GAGO: The opposition are just too lazy to click on a website where there is a vast amount of detailed technical information that is online. It is publicly available; it has been there for a significant amount of time. The industry is well aware of this. We have been engaging with them and they have been assisting us in the design of that. That has been going on for a number of years.

I find it incredible that the opposition have only just woken up from their dozy state and are suddenly aware that there is a formula. They can click on it online. It is very detailed and highly technical and there is lots of information there. It is open and transparent. They are, as I said, just too lazy to keep themselves up to date, too lazy to avail themselves of that information that is available, and it is just tragic that they have only just woken up and got it that there is in fact a formula.

HEALTH SYSTEM

The Hon. R.I. LUCAS (14:32): I seek leave to make an explanation prior to directing a question to the minister representing the Minister for Health on the subject of the health system.

Leave granted.

The Hon. R.I. LUCAS: Sadly, Mr May died on 3 April 2009, two weeks after he had been discharged from the Royal Adelaide Hospital where staff had failed to locate a report that a CT scan had found an aneurysm in his brain. This particular sad set of circumstances was obviously the subject of a Coroner's inquiry and the Deputy Coroner early this week brought down his findings. In part, that report states:

> The sad fact about Mr May's death is that it was entirely preventable. Indeed, the Inquest established that his death was preventable at any number of levels. Mr May had sought treatment for, and diagnosis of the origin of, his headaches in the weeks prior to his death and during that period there were a number of missed opportunities to have diagnosed and treated his condition. I will come to the details of that presently, but it is as well to refer here to the evidence that demonstrated that had Mr May's brain aneurysm been recognised at the Royal Adelaide Hospital (RAH) where he had presented a fortnight prior to his death, as it ought to have been based upon radiological imagery taken the day before, medical intervention could have saved his life.

Further background on the circumstances of this case is that Mr May, who was 69, had gone to Wallaroo Hospital with a severe headache in early March 2009. The following day, he consulted his local GP, who arranged for him to be taken to Adelaide by ambulance for a CT scan.

Four days later, the local GP in Wallaroo was notified that the scan showed a six millimetre aneurysm, and the local GP organised for Mr May to attend the emergency department of the RAH for further treatment. However, a referral letter the local GP had sent to the hospital was not passed on to treating doctors there, and Mr May was discharged that night and returned home. Just over a fortnight later, the aneurysm burst and caused Mr May's death. As I quoted earlier, the Deputy Coroner (Mr Schapel) said that his death highlighted a number of missed opportunities for medical staff to treat the aneurysm.

The Deputy Coroner made a series of recommendations in his report. Given the time availability in question time, I won't refer to all of those recommendations other than to say they are significant recommendations directed to the CEO of the Royal Adelaide Hospital, the principal clinician of the RAH emergency department, the principal clinician of the RAH Department of Neurosurgery, the CEO or equivalent of the Royal Australian College of General Practitioners and the CEO or equivalent of the Australian College of Rural and Remote Medicine. My questions are:

1. Does the minister accept that the Deputy Coroner's findings are a damning indictment of the health system under the control of the Labor government over the last 11 years here in South Australia?

2. What actions has the minister taken already to ensure that all of the detailed recommendations of the Deputy Coroner in relation to this particular case are being implemented and, if there are any that the minister has decided, on the basis of advice, that he won't see implemented, what are the reasons for not agreeing to any of the recommendations made by the Deputy Coroner?

The PRESIDENT: The Minister for Sustainability, Environment and Conservation, representing the Minister for Health and Ageing in the other place, referring some of the question without the opinion would be most helpful.

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:36): Thank you, Mr President, in which case I will take your advice and refer the second question the Hon. Mr Lucas asked to the Minister for Health and Ageing in another place and seek a response on his behalf. The answer to the first question, of course, which was based on opinion, is no.

OUTBACK COMMUNITIES AUTHORITY

The Hon. R.P. WORTLEY (14:36): I seek leave to make a brief explanation before asking the Minister for State/Local Government Relations and Regional Development a question regarding the Outback Communities Authority.

Leave granted.

The Hon. R.P. WORTLEY: The Outback Communities Authority is currently seeking nominations for membership. Can the minister tell the chamber about the Outback Communities Authority and their role?

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for the Status of Women, Minister for State/Local Government Relations) (14:37): I thank the honourable member for his most important question. I know that he has a ferocious personal interest—

Members interjecting:

The PRESIDENT: The Minister for State/Local Government Relations—

The Hon. G.E. GAGO: —in this area—

Members interjecting:

The PRESIDENT: Minister, just wait. Everyone finished? Minister.

The Hon. G.E. GAGO: —and he did a great deal of very good work in this area. He showed his very strong commitment to outback communities, so I'm very happy to take this question from him.

The Outback Communities Authority was established on 1 July 2010, pursuant to the Outback Communities (Administration and Management) Act 2009. The authority formally recognises and assists approximately 4,000 Australians residing in numerous small communities—I think there are about 30—service locations, and also pastoral/farming properties in the outback.

The Hon. D.W. Ridgway: Russell visited them all.

The Hon. G.E. GAGO: In fact, I might perhaps take a government question on which places the Hon. Russell Wortley visited and remind the chamber of his diligence.

The Hon. J.S.L. Dawkins: It would bear repeating. He nearly stayed there too.

The PRESIDENT: The Hon. Mr Dawkins is not helping.

The Hon. G.E. GAGO: There are service locations and pastoral/farming properties in the outback. It's a vast area that it covers—roughly 65 per cent of our state is covered.

An honourable member: Have you been there?

The PRESIDENT: You'll visit soon.

The Hon. G.E. GAGO: It functions to manage the provision of, and promote improvements in, public services and facilities for outback communities and articulate views, interests and aspirations of these communities of which I have visited many. I very much enjoy visiting the outback—great communities and incredibly interesting people.

The authority currently comprises seven members, four of whom come from or have a direct interest in outback communities. The current members were appointed for three years on 1 July 2010 and their term will expire on 30 June 2013. I am delighted today to invite people who are passionate about outback communities and would like an opportunity to represent the region to nominate for membership of the Outback Communities Authority. Notices calling for nominations have been placed in the Adelaide *Advertiser*, northern regional newspapers, the South Australian *Stock Journal* and also the authority's website.

Being a member of the authority is a great opportunity to assist in shaping the future of the outback of South Australia by advocating for other local residents. The current membership has shown a genuine commitment in serving the outback and, certainly, a high degree of enthusiasm in the way that they contribute to their communities. Residents who share these sorts of ideals are, obviously, very much encouraged to apply.

We would also welcome nominations for membership of the authority from people who have previous experience or already possess skills in areas such as financial management, community engagement, strategic planning, community governance, law or business and wish to utilise them in another capacity. Since establishment, the authority has developed an annual business plan and an inaugural five-year strategic management plan and has successfully engaged with outback residents to help guide the course of these plans.

The authority has shown dedication to involving communities, and the outback authority has been involved in a great deal of other work, including providing financial and practical support to volunteers involved in the administration and governance of local progress associations, and the provision and maintenance of local infrastructure, such as public toilets, UHF repeater stations, airstrips, and suchlike. The authority also makes project grants available to communities to help upgrade their facilities, purchase equipment, and suchlike, and I am advised that the one-off funding has an upper limit of about $10,000.

The authority, with the support of the former minister for state/local government relations, also established the Andamooka Town Management Committee in January 2012, and they have achieved a great deal. I am advised that the authority, APOMA and the ATMC have recently consulted the Andamooka community on future governance options, and they will provide me with that feedback. I was pleased to meet with Cecilia Woolford, Chair of the ATMC, and she gave me an update on the numerous developments, which I was very impressed with. I really admire the work that she and that group have done.

The continued success of the authority depends on those persons who are obviously passionate about living in the outback and willing to give their time and commitment to serving their communities, and I certainly urge members of the chamber to encourage any person that they may have identified to put their nomination forward.

OUTBACK COMMUNITIES AUTHORITY

The Hon. J.S.L. DAWKINS (14:42): I have a supplementary question. Given that the minister said that a majority of OCA members have previously come from or have direct interest in the outback, will the minister indicate that a priority will be given to ensuring that a majority of the new OCA members will be resident in the outback areas of the state?

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for the Status of Women, Minister for State/Local Government Relations) (14:43): I believe that it is four out of seven. I will need to double-check those figures. My understanding is that, at present, the majority are required to have a direct interest in outback communities, so either reside in or come from outback communities. Then there are a number of positions—

The Hon. J.S.L. Dawkins: But I think you should have a majority that are resident currently.

The PRESIDENT: The Hon. Mr Dawkins has asked his supplementary.

The Hon. G.E. GAGO: The rules that are provided currently absolutely ensure that the majority of members, four out of seven, have direct personal experience and interest in the outback and, in that way, we ensure that the experience and knowledge and understanding of the outback are incorporated into the committee.

The role of this authority is quite complex. It requires a broad range of different skills and expertise. Our priority always is to find those skills within residing members of the outback. Unfortunately, that is not always possible, but that is always our first preference and what we strive to do. But if we are not able to find that full breadth of skills from current residents, then we do the best we can. We ensure that those skills are as closely aligned as possible with those people who have knowledge, understanding, skill and passion for the outback.

OUTBACK COMMUNITIES AUTHORITY

The Hon. J.S.L. DAWKINS (14:45): A further supplementary: is there a minimum number of residing members of the OCA that the minister will nominate?

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for the Status of Women, Minister for State/Local Government Relations) (14:45): I have already given the answer. Quite clearly, I said that four out of the seven must have a direct and personal interest in the outback. I have already made that quite clear. The honourable member needs to wash out his ears.

SHACK LEASES

The Hon. J.A. DARLEY (14:45): I seek leave to make a brief explanation before asking the Minister for Sustainability, Environment and Conservation questions regarding rents to shack sites situated on crown land.

Leave granted.

The Hon. J.A. DARLEY: In 2009 I met with the then minister for environment (Hon. Jay Weatherill) to dispute the 4 per cent rate of return on the unimproved value of land used to determine the rents on these sites. For nearly four years now my argument has been the same, namely that 4 per cent is too high.

After much urging and finally a direction from the current Premier, the former minister (Hon. Paul Caica) referred this matter to the South Australian Valuer-General for advice. As a result of this advice, I understand that former minister Caica decided to use a 2.75 per cent rate of return rather than 4 per cent but he advised that it would not be retrospective.

In my experience with rating and leasing issues, whenever an error is detected it is always corrected retrospectively from the date on which the objection was lodged. My questions to the minister are:

1. When will this 2.75 per cent be effective from?

2. Does the minister also intend not to apply the 2.75 per cent retrospectively from when I first objected in 2009? If so, can the minister advise why and on what basis?

3. Does the minister accept that the opinion from the Valuer-General effectively means the 4 per cent was wrong and therefore rents were overpaid, in some cases for a number of years?

4. Does the minister intend to address this? If not, why not?

5. What is the total value of overpaid rents to date?

6. What is the total value of all rents reviewed following the Carter report in 2009?

7. As I have also expressed my concern with the unimproved values, will the minister review these valuations? If not, why not?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:48): I thank the honourable member for his most important question. I cannot begin to tell you how pleased I was to take over this part of the portfolio, knowing the honourable member's continuing and ongoing interest in this area.

Lease conditions for non-transferrable shack leases on crown land and in national parks provide for the periodic evaluation of the annual rent to be paid to the Crown for the right to occupy the land. Lease rentals have always been based on the policy premise that the Crown should realise a fair return for the private, exclusive use of the Crown's assets. Shack rents are set by obtaining a land value from an independent valuer and applying a rate of return to that value. I am advised that for rents effective from 1 January 2012, the rate of return was set at 4 per cent. This was based on independent advice from the New South Wales Valuer-General and a New South Wales valuer in private practice. For rents effective from 1 July 2013, the rate of return was set at 2.75 per cent. This was based on advice from the South Australian Valuer-General.

I note that in the *Yorke Peninsula Country Times* on 22 January 2013 the shack owners association president conceded that 'it does appear we've had a reasonable outcome'. I can advise that the Department of Environment, Water and Natural Resources will seek advice on the appropriate rate of return for shack sites every two years. Shack rents on crown land at Fishermans Bay, Glenelg River, Milang and the Coorong National Park were determined using a 4 per cent rate of return to the unimproved land value of the shack site effective 1 January 2012, as the honourable member said.

Rents of some shack sites in Innes National Park, including Pondalowie Bay and the remainder of the settlement at Fishermans Bay, were determined using the 2.75 per cent rate of return effective 1 July 2013. I understand that lessees have the opportunity to lodge an objection to the new rent within one month of being notified as part of their lease conditions. I am advised that objections to shack rental increases were received from some shack lessees at Fishermans Bay, Glenelg River and Milang, and the Department of Environment, Water and Natural Resources sought advice from the Valuer-General to determine some of these shack lease rental objections. I can advise that in all reviews completed to date the shack rents were upheld.

The honourable member asked a number of questions, and a couple of them go to the total values of what he claims to be overpaid rents, so it follows on the basis of my answer that there

were no overpaid rents. In response to one of his final questions, I respond now that I will continue to work with him, as the previous minister has done, to arrive at an outcome that is satisfactory to the constituents that he represents and also to the government.

SA WATER

The Hon. K.J. MAHER (14:50): My question is to the Minister for Water and the River Murray. Will the minister outline how SA Water is working with industry to assist economic development in this state?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:51): I thank the honourable member for this very important question. Everyone in this chamber no doubt knows how important water is to our state. We have discussed it at some length recently. Water is essential to sustain our growing population and economy and, without a secure supply, confidence in our state is undermined and our economy is put at risk. This is a reality that was central to this government's decision to construct the Adelaide desal plant, a key component of our commitment to guarantee Adelaide's water security to 2050. It is also in response to this reality that SA Water is working with industry to ensure that our water is delivered to areas of demand, particularly those that provide for future economic development.

The upgrade of the Port Wakefield water supply is a key example of this government's collaboration with industry, as well as local and federal governments, to safeguard economic development in our state. The upgrade of the Port Wakefield water supply is a $17.1 million investment to upgrade, expand and secure the sustainability of drinking water supply across the region.

SA Water will construct a 43 kilometre pipeline from the existing upper Wakefield storage tank near Auburn to the Port Wakefield township via Balaklava and Bowmans. This upgrade will guarantee the long-term security of water supply to the region, ensuring future residential development is provided for, and allow the continued expansion of industry in the Balaklava and Port Wakefield area.

Right now, intensive animal industries that require substantial amounts of water are already expanding in South Australia. The Department for Primary Industries and Regions South Australia, in collaboration with industry and regional development boards, has identified the Port Wakefield region as a suitable location for future industry development. Providing a sustainable water supply will ensure that this development is not constrained. These sorts of developments have the potential to significantly increase economic activity and increase the number of people working and living in the region, or staying in the region.

SA Water's upgrade of the Port Wakefield water supply will also provide a reliable supply of water, I am advised, to Rex Minerals' proposed mining operations at the Hillside mine south of Ardrossan on Yorke Peninsula. An agreement between Rex Minerals and SA Water means that the capacity of the pipeline will be increased to provide up to an additional two gigalitres per annum of water for Rex's mining operations. Increased capacity will be delivered by using a larger diameter pipe than otherwise would have been required, and the increased cost of doing so is being met, I understand, by Rex Minerals. Construction of a further 53 kilometre pipeline from Port Wakefield to the mine site is in the planning stages, with the full cost of this further expansion also being met by Rex Minerals.

I am pleased to advise that the total funding of $17.1 million for this important project is being met by the state and federal governments and industry. The Wakefield Regional Council partnered with SA Water to secure a grant for the Regional Development Australia Fund, which will contribute approximately $5.7 million to the project. In addition, Rex Minerals will contribute approximately $7.2 million to fully fund the upsizing of the pipeline in order to meet the annual demand at their Hillside mine on Yorke Peninsula, with SA Water to provide the balance of the required funding.

This project is an illustration of this government's ability to collaborate with industry and local communities to ensure continued economic development in our state. SA Water will continue to work with businesses to identify further opportunities to work together in this way into the future.

PORT PIRIE BLOOD LEAD LEVELS

The Hon. M. PARNELL (14:54): I seek leave to make a brief explanation before asking the Minister for Sustainability, Environment and Conservation a question regarding lead levels in Port Pirie.

Leave granted.

The Hon. M. PARNELL: In a result that is quite alarming, the most recent testing results on lead levels in children in Port Pirie, rather than showing a decline, actually show an increase. The average two-year-old child has 6.3 micrograms of lead per decilitre of blood, an increase from the 6.1 micrograms average of 12 months ago. The standard Australian guideline for target blood lead levels is 10 micrograms, but for children effects on cognitive development have been demonstrated at levels as low as two micrograms per decilitre.

In May last year, the US Centre for Disease Control, a recognised world authority, responded to mounting evidence and halved their standard elevated blood lead level for children to just five micrograms. Also, experts like Mark Taylor from Macquarie University, who was contracted by the EPA to investigate elevated lead levels in 2009-10 with a view to a possible prosecution of Nyrstar, have questioned the testing conducted by the EPA, suggesting, according to ABC radio's *The World Today* program this week, that the methodology used by the EPA could be easily interpreted as a manipulation of the results.

This manipulation extends to the placement of EPA monitoring stations. Under a new five-year licence agreement granted to the company last year, Nyrstar is compelled to observe airborne lead limits of 0.5 micrograms per cubic metre at two testing sites, but those are not the monitoring stations closest to the smelter, where non-enforceable targets will remain. The enforceable limit applied to Nyrstar is actually more than three times higher than the levels that SA Health concludes are needed to meet the national standard for blood lead. In the meantime, the Ellen Street monitoring station adjacent to the Port Pirie central business district would retain its target of 1.6 micrograms. This is more than 10 times SA Health's preferred goal.

The simple fact is that the blood lead levels currently experienced by children in Port Pirie are known to be unsafe and, most disturbingly, are getting worse, not better. The EPA recommended a prosecution of Nyrstar for excessive lead pollution back in 2009, which is a recommendation that has apparently been ignored by the government.

There are also grave concerns that, despite the breathless commentary about a breakthrough deal to improve the performance of Nyrstar, the capacity of the EPA to respond to any future increases in lead levels has been nobbled. In December last year, the Premier announced that the South Australian government had agreed to restrict the EPA's power over the company, giving ministerial veto rights over new licence conditions proposed by the regulator for the next decade. That includes the ability to adjust maximum lead levels. My questions are:

1. When does the government intend to introduce the special legislation that the Premier announced in December last year that will prevent key terms of Nyrstar's licence with respect to lead emissions being amended without ministerial consent?

2. Does the government intend to consult with the Port Pirie community before the legislation is introduced to parliament?

3. What additional measures will the Weatherill government take in the meantime to ensure that lead levels continue to reduce rather than increase?

4. What is the status of the recommendation of the EPA to prosecute Nyrstar in court for pollution offences involving lead emissions? Will the government act; if not, why not?

The PRESIDENT: Minister for Sustainability, Environment and Conservation, but I am not sure it is all yours, either.

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:58): No, it's not, Mr President, but I will endeavour to give the best answer I can for the honourable member, and I thank him for his very important question. Airborne lead from the Nyrstar smelter site has historically been the prime contributor to the unacceptably high blood levels observed in the children of Port Pirie. The tenby10 program commenced in 2006 and aimed to reduce children's blood lead levels such that 95 per cent of children in the age range zero to four

had blood lead levels below 10 micrograms per decilitre of blood—the National Health and Medical Research Council recommended limit—by the end of 2010.

On 31 December 2011, the then department of health reported that 78 per cent of children had a blood lead level below 10 micrograms per decilitre of blood. This compares with 50 per cent at the same time in 2005, immediately prior to the commencement of the tenby10 program. Despite clear improvements from the tenby10 program, further work is required from Nyrstar to reduce lead emissions and subsequently blood lead levels.

On 25 July 2012, following an extensive review of Nyrstar's EPA licence, the EPA placed new conditions on its licence. This includes an environmental improvement program that will require Nyrstar to implement improvements to its facilities to reduce lead emissions. It also establishes more stringent lead emission limits in Port Pirie. A copy of this licence is available, I am told, on the EPA website if the honourable member cares to check that excellent work.

In December 2012 this government announced an agreement between state and federal governments and Nyrstar to invest in a transformation of the Port Pirie smelter. The transformation will significantly reduce the emissions from the smelter with the objective that no child exceeds National Health and Medical Research Council recommendations for blood lead.

The requirement to reduce discharges is not new. The EPA, in conjunction with SA Health, has for many years required continued improvement quantified through regular monitoring and reporting. Because blood lead levels in some children still exceed National Health and Medical Research Council recommendations, we do require these further improvements.

In relation to the questions the honourable member asks that are outside my portfolio, I will undertake to seek a response from the relevant ministers in the other place and bring it back to him.

GM HOLDEN

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (15:00): I table a ministerial statement relating to the Leader of the Opposition's claims made in the other place by my colleague the Minister for Health and Ageing.

QUESTION TIME

MURRAY RIVER FERRIES

The Hon. J.S.L. DAWKINS (15:01): I seek leave to make a brief explanation before asking the Minister for Regional Development and Local Government a question regarding River Murray ferries.

Leave granted.

The Hon. J.S.L. DAWKINS: There are currently 12 ferries in service allowing South Australians and visitors to cross the River Murray at various points along its course in this state. These ferries are integral parts of the state road network, helping to link communities and individuals with each other and facilitate essential services across the region. These ferries are integral to the development of the regions allowing cost-effective access to areas in a manner which would not otherwise be efficiently possible.

My question is: as Minister for Regional Development and representing the Premier in this place, will the minister confirm that the asset management and operation of the River Murray ferries is the responsibility of the state government and that, as such, all expenditure surrounding the ferries should remain with the state government?

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for the Status of Women, Minister for State/Local Government Relations) (15:02): I thank the honourable member for his important question and will refer it to the Minister for Transport in another place and bring back a response.

BEVERLEY HOUSE FIRE

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for the Status of Women, Minister for State/Local Government Relations) (15:02): I table a copy of a ministerial statement relating to

the MFS firefighters injured in a Beverley house fire made in another place by my colleague the Hon. Michael O'Brien.

QUESTION TIME

MURRAY RIVER FERRIES

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

The Hon. J.S.L. DAWKINS (15:02): Is the minister aware of suggestions from within her own government that local government bodies along the River Murray could now be asked to take responsibility—

The PRESIDENT: There is a point of order.

The Hon. I.K. HUNTER: I ask you to rule. I can in no way see how this supplementary question arises from the answer given by the minister.

The PRESIDENT: That is true.

Members interjecting:

The PRESIDENT: The Hon. Mrs Zollo.

AQUACULTURE ZONES

The Hon. CARMEL ZOLLO (15:03): I seek leave to ask the Minister for Aquaculture, Food and Fisheries a question about South Australian aquaculture zones.

Leave granted.

The Hon. CARMEL ZOLLO: The ability to zone for aquaculture is recognised internationally as an important planning tool and is a fundamental fact in supporting industry confidence and investment. Can the minister update the chamber on the recently amended Lower Eyre Peninsula aquaculture zone?

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for the Status of Women, Minister for State/Local Government Relations) (15:03): I thank the honourable member for her important question. Aquaculture zones in South Australia are broad pieces of state waters set aside to allow for the orderly development of aquaculture and permit individuals and companies to establish leases within a specific area. South Australia's aquaculture industry has established itself as a key contributor to our primary industries and regional communities. In addition, aquaculture zones are extremely important for future growth of the aquaculture industry in South Australia.

Today I am very pleased to advise the chamber that a new aquaculture zone policy for Lower Eyre Peninsula aims to provide a boost for South Australia's aquaculture farmers allowing for the potential expansion of the area used to farm the state's $125 million southern bluefin tuna industry. Specifically this entails providing more hectares for the farming of southern bluefin tuna in deeper waters to the South-East of the Sir Joseph Banks Islands, which is an environment more akin to the southern bluefin tuna's natural habitat. I am advised that all of the evidence to date suggests that this will mean fewer health issues, better quality fish and improved farm management practices.

I am advised that the southern bluefin tuna is the state's largest single aquaculture sector, accounting for almost 55 per cent of the state's gross value of aquaculture production. This recently amended zone policy will cover leasable land of 7,563 hectares in the Lower Eyre Peninsula region and will accommodate farming of wild caught tuna, finfish, algae and molluscs, including mussels, oysters and abalone.

South Australia is home to Australia's most diverse range of fisheries and aquaculture sectors, with a world-class reputation for quality seafood and environmental sustainability. I am advised that the aquaculture sector contributes around 54 per cent of the state's total value of seafood production (valued at $229 million) and directly employs more than 1,100 FTEs, the majority of whom are employed in and around the Eyre Peninsula region. So, you can see, Mr President, how important that is for the long-term sustainability of regional South Australia as well. This policy clearly supports the state's strategic priority of premium food and wine from a clean environment.

Following the finalisation of this new aquaculture zone, 11 aquaculture zone policies now cover the following regions in South Australia: Coffin Bay, Lower Eyre Peninsula, Arno Bay, Lacepede Bay, Anxious Bay, Eastern Spencer Gulf, Fitzgerald Bay, Port Neill, Smoky Bay and Streaky Bay. South Australia's aquaculture industry has attracted corporate investment from within Australia and also overseas, with industry testimonials crediting South Australia's management arrangements as one of the key reasons for their investment. The development of aquaculture zoning in South Australia is underpinned by significant work undertaken by SARDI in multidisciplinary research across oceanography, environmental biology and fishery science.

The completion of the Lower Eyre Peninsula aquaculture zone followed a comprehensive public consultation process by PIRSA's Fisheries and Aquaculture and the Aquaculture Advisory Committee. I am also advised that, following this consultation process, amendments were made to the zone to best accommodate community interests and also recreational and commercial fishing, to minimise transport concerns and obviously to protect sensitive habitats.

The finalisation of the Lower Eyre Peninsula aquaculture zone is a significant step in the sustainable development of South Australia's valued aquaculture industry, and it will assist in enhancing our capability to capitalise on the increasing global demand for premium products that are clean, safe and produced in a sustainable and ethical manner. We have one of the best managed fisheries in the world, and it is policies such as these zoning policies that help underpin the high integrity of our fisheries management.

AQUACULTURE ZONES

The Hon. M. PARNELL (15:08): I have a supplementary question. Minister, in relation to the consultation process you referred to, is there any reason the public and the agency submissions for the Lower Eyre Peninsula aquaculture zones policy are being kept secret and not being published?

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for the Status of Women, Minister for State/Local Government Relations) (15:09): No. I thank the honourable member for his important question. As he is well aware, this government is a very open and transparent government. Wherever we possibly can, we make information publicly available. One of the reasons that, from time to time, we are unable to do that is when there is commercially sensitive information or where industry input has indicated that it does not want, for whatever reason, its information to be available.

I am not aware of any of these issues being raised in relation to that feedback. I am very happy to follow up this issue and to see whether information is, in fact, not publicly available and, if it isn't, why it isn't. If we possibly can make it available, I am very happy to make it available wherever I can.

ELECTRICITY PRICES

The Hon. D.G.E. HOOD (15:10): I seek leave to make a brief explanation before asking a question of the minister representing the Minister for Mineral Resources and Energy concerning commercial electricity tariffs in South Australia.

Leave granted.

The Hon. D.G.E. HOOD: It has come to Family First's attention that a company that provides advice to commercial businesses about electricity tariffs has uncovered a very interesting and, some might say, untoward situation. Many businesses are on an electricity tariff that is not a demand tariff; in other words, there is no set maximum number of amps that they are able to draw down for peak usage. If these businesses were to install solar panels at their own expense, this would be a change to the supply system and they would then be placed on a demand tariff arrangement; in other words, a demand tariff would apply to them under these circumstances.

This means that they nominate the maximum or peak rate of power usage to be made available to them. The charge rate for electricity usage then decreases—that is the good part—but there is a fixed annual fee reflecting the peak usage available. The problem that arises is that, if solar panels are installed, the change to the tariff means that some businesses face significant increases in their total electricity bill, despite the fact that they have installed solar electricity.

Business owners are surprised to hear that if they pay the cost of installation of solar panels, which can be very significant, this can have the effect of increasing their annual electricity

charges despite power being fed into the grid from the solar panels themselves. My question is: does the minister accept that the commercial tariff arrangement should be changed such that there is never a financial detriment for a business to install solar panels?

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for the Status of Women, Minister for State/Local Government Relations) (15:11): I thank the honourable member for his most important question and will refer that to the Minister for Mineral Resources and Energy in another place and bring back a response.

REGIONAL STATEMENT

The Hon. J.S. LEE (15:11): I seek leave to make a brief explanation before asking the Minister for Regional Development a question about the Regional Statement 2012.

Leave granted.

The Hon. J.S. LEE: In the *Plains Producer* on 27 March 2013, it was noted that the state government's Regional Statement 2012 received 'heavy criticism by various Local Government circles, suggesting the document avoids commitment to investing in regional areas for future growth'. Speaking at the Wakefield Regional Council's February meeting, chief executive Cate Atkinson 'believed the document to be vague...on any concrete detail'. Mrs Atkinson stated that 'the issue from council's perspective is the Regional Statement is merely a statement of what is in the regions currently. It's not a commitment to support regions or regional development.'

Additionally, Ms Anita Crisp, executive officer for Central Local Government Region added that 'executives from all the local government regions put their heads together on a regular basis for it and none of that was taken on board'. Furthermore, on page 21, the regional statement states that 'this Regional Statement is the beginning of a conversation between the government and regional communities to work in partnership, ensuring future prosperity for regions and all South Australians'. My questions are:

1. With various local government circles feeling unsupported with little action taken, can the minister advise how she will rebuild confidence among the councils within regional communities?

2. Can the minister inform the chamber what suggestions from the council executives she will be taking on board?

3. With such heavy criticism from local government circles, can the minister outline how the state government will be supporting regional development? Specifically, what resources and commitment will be on the table, rather than just seeing the regional statement as the beginning of a conversation after 11 years of government?

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for the Status of Women, Minister for State/Local Government Relations) (15:14): I thank the honourable member for her question. Indeed, it is sad, really. It is indeed a very sad and sorry opposition that cannot even inform themselves that in fact the process of consultation around the regional statement has not been completed yet. So, how could the Hon. Jing Lee get to her feet in this place and say that the statement fails to take on board information obtained during the consultation process when there is no final regional statement as yet? The process is not completed; we are still consulting.

It is just pathetic that, yet again, the opposition come into the place and have failed to inform themselves of really basic information. They are really asleep at the wheel—it is tragic. So, for the benefit of honourable members who fail to understand this very important process, I will reiterate what we have done and what we intend to do.

The PRESIDENT: Yes, minister.

The Hon. G.E. GAGO: Indeed, Mr President, back in December 2012, I released a draft—I emphasise 'draft'—regional statement for South Australia, and it's that draft statement that is out there currently for consultation. This draft statement highlights the essential contribution made by regional South Australia to the state's economy and outlines a framework for prosperity for regional communities to drive forward change from the bottom up.

It is not a strategic plan, it was never intended to be a strategic plan for regional areas, and it is not going to be a strategic plan. That's what I think some members of the public want it to be,

but the strategic planning is done under various policy areas. For instance, with health, it is done under the country health plan, and it is those specific policy areas that pick up the specific strategic direction.

This is a much higher document. As I said, it was never intended to be a strategic plan, it's not a strategic plan, it's not going to be a strategic plan. But what this statement will do is reaffirm our longstanding commitment to the region and signify our work together—

The Hon. D.W. Ridgway interjecting:

The Hon. G.E. GAGO: —towards greater collaborative partnerships.

The PRESIDENT: The Hon. Mr Ridgway, the Hon. Ms Lee would like to hear the answer to her question.

The Hon. G.E. GAGO: Well, she needs to listen and so do the rest of the opposition, Mr President, because they fail to understand that this is a process of consultation and engagement—public consultation and engagement. It just defies logic that the honourable member would come into this place and accuse us of not taking consultation or feedback on board when there is not even a final statement as yet. We are still consulting, so I don't know how she is able to see the future and see what is going to be in the final statement because I haven't seen that far yet. I am genuinely consulting. I am actually genuinely out there listening, engaging and consulting.

This planning provides a coordinated approach to planning and brings together current government plans, such as strategies and services, strategic plans—

Members interjecting:

The PRESIDENT: Order! I want to hear the answer. The honourable minister.

The Hon. G.E. GAGO: At least someone is prepared to listen.

The Hon. D.W. Ridgway interjecting:

The PRESIDENT: Order, the Hon. Mr Ridgway! If I can't hear the answer, neither can the Hon. Ms Lee hear the answer, and she is genuinely interested. The honourable minister.

The Hon. G.E. GAGO: Thank you for your protection from this unruly lot, Mr President. I will just go back and repeat that because I don't think the Hon. Jing Lee could hear what I was saying, and I think it is really important that she does hear and listen to this.

It does reaffirm our longstanding commitment to the regions and signifies our work towards greater collaborative partnerships, and a much more strategic and coordinated approach to planning, and brings together current government plans, strategies and services with regional plans and road map ideas and highlights how we will consolidate and build upon current initiatives to help ensure that our regional communities are prosperous, healthy, educated and safe.

The regional statement builds on the updated 2011 South Australian Strategic Plan and regional workshops that fed into the revised plan. The regional statement hopes to highlight to regional communities and to government agencies. The linkages—

The Hon. J.S.L. Dawkins: You can sit down now.

The Hon. G.E. GAGO: I haven't finished—there's more. The linkages between government plans, strategies, programs and services reaffirm the government's commitment to regional areas by highlighting the importance of regional communities to the continuing economic development of the state, including new opportunities for major resources and projects, and build on the South Australian Strategic Plan by working closely with relevant state agencies and key stakeholders.

The statement is a conversation tool between government and regional communities and, as I have already reported in this place before, I have asked the Regional Communities Consultative Committee, as my independent advisory body, to undertake targeted community consultation on this draft statement to seek comment and feedback and a series of targeted workshops. Also, key stakeholders have been invited to submit feedback as well. To complement the consultation process, an online survey is going to be hosted on the PIRSA website for the broader public to be able to participate as part of that engagement process.

Mr President, you can see that the draft, draft regional statement is still out there for public consultation, and I value the feedback, particularly from local councils, a very important sphere of

government. I value their feedback and encourage them to use the processes of government that have been made available to them to direct their comments back in a constructive way into this process.

ANSWERS TO QUESTIONS

CHINA TRADE LINKS

In reply to the **Hon. R.I. LUCAS** (6 September 2012).

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for the Status of Women, Minister for State/Local Government Relations): I am advised:

My travel costs of $12,445 were drawn from my Parliamentary Travel Allowance and Ministerial Office Budget.

Accompanying Officers:

- Mr Ian Nightingale, Chief Executive, Primary Industries and Regions SA;
- Mrs Gillian Hewlett, Ministerial Adviser;
- Mr Sean Keenihan, President of Australia-China Business Council (South Australian Branch); and
- Ms Karyn Kent, Director of Sales, South Australian Tourism Commission.

CAT AND DOG FUR

In reply to the **Hon. T.A. FRANKS** (19 September 2012).

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for the Status of Women, Minister for State/Local Government Relations): The Minister for Business Services and Consumers has provided the following information:

1. The Australian Customs and Border Protection Service (Customs) has responsibility for enforcing import controls over the importation of domestic cat and dog species fur and fur products. Regulation 4W of the Customs (Prohibited Imports) Regulations 1956 prohibits the importation of these products without the permission of the federal Minister for Home Affairs.

South Australian consumers also enjoy the protection of the Commonwealth ban on cat and dog fur products.

Customs have asked that if anyone has specific information concerning individuals or companies suspected of illegally importing cat or dog fur products to contact them through their Customs Watch reporting program.

2. The Australian Competition and Consumer Commission (ACCC) investigated the Humane Society International's (HSI) concerns in respect of the levels of chromium allegedly present in the leather from fur garments in July 2011. HSI provided the ACCC with a test report from the University of NSW Analytical Centre concerning the results of tests undertaken into two fur garments. I am not aware of the results of those tests.

The federal Minister for Competition and Consumer Affairs may introduce a permanent ban or mandatory safety standard for consumer goods if he is satisfied that the goods will, or may, cause injury. Following their investigation, the ACCC did not recommend this course of action to the Minister for the following reasons:

- Residues of chromium and other chemicals may be present in leather articles as a result of the tanning process. While dermal exposure to high levels of the hexavalent form of chromium (chromium VI) can result in adverse health effects among occupations such as those working in the leather tanning or electroplating industries, the ACCC has no evidence that Australian consumers are experiencing harm as a result of exposure to chromium through leather goods.

- The ACCC has not found any complaints in its database of rash or dermatitis caused by leather garments in the last two years. Cases of contact dermatitis or allergic contact dermatitis as a result of dermal exposure to chromium through consumer goods are generally very rare. The presence of chromium in leather outer garments is unlikely to result in significant exposure to chromium as there is little, if any, direct skin contact.
- The National Industrial Chemicals Notification and Assessment Scheme (NICNAS) is the Australian Government regulatory agency responsible for conducting scientific risk assessments of industrial chemicals and for maintaining the Australian Inventory of Chemical Substances. In assessing the safety of chemicals relevant to consumer products the ACCC is guided by the advice of NICNAS. NICNAS have not made any recommendations to the ACCC in relation to the need for regulating hexavalent chromium in leather clothing.

Chromium levels in some consumer goods, including toys and pencils, are regulated; however there are currently no prescribed limits for chromium in clothing under Australian legislation.

Consumer and Business Services has not received any consumer complaints related to skin irritation or allergic reaction to leather clothing.

3. Based on the information to hand, the possibility of consumers being exposed to chromium from contact with leather goods is low. If instances are brought to our attention then appropriate warnings will be issued.

4. The importation of consumer goods is outside the purview of state governments and jurisdiction lays more appropriately with the federal government, particularly the Minister for Home Affairs and the Minister for Trade.

However, if matters are brought to my attention or the attention of Consumer and Business Services we will work with our state and Commonwealth counterparts to address the issue.

MATTERS OF INTEREST

LIBERAL PARTY

The Hon. K.J. MAHER (15:21): Previously, I have spoken about the failed Marshall plan—the treacherous overthrow that never was—featuring the members for Waite and Dunstan in October last year. It appears that plan may have been ever so slightly more sophisticated than the blundering incompetence that it first appeared. Following the coup attempt, the member for Dunstan refused to say how he voted. A number of Liberal Party members have quite openly discussed his potential motives for doing so—that he really did not want a leadership change. Rather, he preferred to continue to destabilise and wound the leader until she and the party became so damaged that he would have his own shot at captaining the Liberal yacht himself. We may never know how he voted, but the member for Dunstan was the major beneficiary of the vicious campaign to undermine but not defeat the member for Heysen.

The Hon. J.S.L. DAWKINS: Point of order.

The PRESIDENT: Point of order, the Hon. Mr Dawkins.

The Hon. J.S.L. DAWKINS: I think the member has been here long enough to know that the seat of Dunstan does not exist until after the election on 14 March next year.

The PRESIDENT: That is correct. The Hon. Mr Maher.

The Hon. K.J. MAHER: Now, the member for Norwood has formed his front bench. Dunstan is a much better name, but we will call it Norwood for now so as not to upset the delicate tendencies of the Hon. John Dawkins. Now, the member for Norwood has formed his front bench team—with a firm eye to the past and failed policies, including a number of former failed leaders and deputies (in some cases, the same people).

Amongst the old new faces in shadow cabinet is the Hon. Rob Lucas, who is now proudly in his fourth decade in this chamber. That is a very, very long time. The world was a very different place when a young, enthusiastic, non-cynical Hon. Rob Lucas started here in 1982. For example, way back then the median house price in Adelaide was under $43,000, police cars were light blue Kingswoods, the Adelaide Club was serving muscats at dawn, a smart phone was one that had been very nicely polished, and the fax machine had only been around for a few years—which is

very lucky, because the Hon. Rob Lucas claiming, 'I've just received an anonymous telegram from Liberal Party HQ,' just doesn't have the same ring to it.

Some of the newer members of the Liberal Party are surprised that the honourable member has nominated again—that he just cannot let go. They reckon he might have convinced himself that a Liberal opposition or a Liberal government just could not function without him being a part of it. I think it is fair to say that not everyone shares this view. Not everybody thinks the SA Liberal Party would spontaneously disintegrate or combust without his wisdom or longevity.

Some have commented that his increasingly bitter personal vendettas against journalists show it is time for him to give up and move on. An anonymous fax to Labor Party headquarters correctly points out that over 15 days to the end of last week the Hon. Rob Lucas harassed and criticised one particular journalist 17 separate times on Twitter, sometimes tweeting on the topic up to five times a day. Over the same period, there were three tweets about his portfolio responsibilities. It would seem he is five times more interested in harassing one sportswriter than he is in his portfolio.

The Hon. Rob Lucas is an avid Twitter user and has become infamous for blaming Labor for everything that goes wrong in the world on Twitter. The Twitter subject or hash tag 'tweetlikeRobLucas' ridicules his habit of making nonsense, over-the-top claims. In just two days in October last year there were 50 different satirical tweets, including some from journalists, mocking him. These tweets include gems such as:

SA Labor were positioned on the grassy knoll. tweetlikeRobLucas

I think we all know who's lurking in the washing machine when your socks go missing...It's SA Labor! tweetlikeRobLucas

SA Labor dismissed Bradman for 4 runs. tweetlikeRobLucas

There are dozens more mocking him if you look them up on Twitter. The Hon. Rob Lucas also has a lamentable habit of stating the bleeding obvious in this forum. A couple of months ago, the Hon. Rob Lucas tweeted:

A picture is worth a thousand words! TV vision-union bosses standing with clenched fists, singing 'solidarity forever' and supporting Labor!

Six minutes later, someone else tweeted:

THE UNIONS SUPPORT LABOR? Why are we just learning this? This explains so much! cantfoolroblucas

Yes, you have to get up pretty early to fool the Hon. Rob Lucas. He has figured out the link between the union movement and the Labor Party all by himself, and he put it on Twitter.

The current version of the Marshall plan seems to have delivered what he so prized—the leadership. But with failed, recycled and uninterested frontbenchers it is no wonder the media are now picking up that this Liberal yacht is bereft of any substance, any policies and is completely adrift at sea.

The PRESIDENT: Dare I call the Hon. Mr Lucas? The ball's in your court.

LABOR PARTY

The Hon. R.I. LUCAS (15:26): I rise, as I have spoken before in this place, about the damage being done to South Australian families and the South Australian economy by the ongoing division and disunity within the Labor Party and the Labor government in South Australia. As I referenced before, we have seen a series of high profile disagreements between minister O'Brien and the part-time Treasurer (current Premier Weatherill) on a number of issues differences of opinion, Mr President, between your good self and the Premier in relation to policy for access of media to parliament and the Legislative Council; and differences of opinion with Labor caucus members protesting against Labor policy positions on the steps of Parliament House.

Those divisions and disunity sadly continue for South Australian families, as I said. We have seen over the last three weeks a continuing series of highly placed cabinet leaks seeking to undermine the position of the part-time Treasurer and Premier Weatherill in relation to his position of supposed authority in the cabinet. As I said three weeks ago and I say again, if you cannot run yourselves as a party, you cannot be expected to run the business of running South Australia. Increasingly, South Australian families are waking up to that fact.

What we have seen in the last few weeks is another indication of the ongoing division and disunity within the party in the formulation of the Legislative Council ticket for the 2014 election.

What we have seen is the right faction within the Labor Party flexing its collective muscles, snubbing their noses at the people of South Australia and installing their people in the favoured No. 1 and 3 positions on the Legislative Council ticket.

We have that star of the former Labor cabinet, that luminary of the Legislative Council, the Hon. Russell Wortley, to lead the Legislative Council ticket for the Labor Party with all the formidable charisma that he can bring to bear in harnessing the votes of South Australians. The Hon. Jay Weatherill's very close friend and supporter, minister Ian Hunter, has been relegated to position No. 2 behind the Hon. Mr Wortley. Whether Mr Wortley, a là Mr Farrell, could be prevailed upon to—

The PRESIDENT: Senator Farrell.

The Hon. R.I. LUCAS: —voluntarily give up his ticket position in the interests of Senator Wong in that case or in this case minister Hunter, only time will tell. I would not be holding my breath if I know the Hon. Mr Wortley in relation to these issues.

The more critical issue in terms of the ongoing division and disunity in the party is that the unknown (to the wider South Australian community) Labor staffer, Mr Tung Ngo, has been installed in the No. 3 position because he is a member of the Labor right, ahead of the self-anointed, chest-beating future Labor star and luminary in the Legislative Council, the Hon. Mr Kyam Maher, the former state secretary of the Labor Party and, as I said, self-appointed rising star in the Legislative Council. He has been relegated to the No. 4 position in the Legislative Council, and he is furious at being relegated to No. 4—as he would put it, and as his supporters in the left would put it—with a relatively unknown member of the right, a staffer for the one of the ministers, Mr Ngo, being put into the No. 3 position.

You have a sitting Labor member of the Legislative Council being relegated to the No. 4 position, you have a sitting minister being relegated to the No. 2 position and you have a ticket being led by the Hon. Mr Wortley—enough said about that. I am sure that, in the period leading up to March 2014, the people of South Australia will be reminded of all the many wonderful virtues and attributes that the minister brought to his brief fling in the ministry, his brief fling in terms of his command of the particular portfolio and his wonderful travels as he visited the cemeteries of Europe as a farewell visit on behalf of the South Australian taxpayers. We are left with a position where clearly the right of the Labor Party do not hold the Hon. Mr Maher in very high esteem—they dumped him to No. 4 on the ticket.

BANGKA ISLAND MEMORIAL SERVICE

The Hon. CARMEL ZOLLO (15:31): This is the first opportunity I have had since having the pleasure of attending the annual Bangka Day Memorial Service held during February to speak on this important event. Guest speaker, His Excellency Rear Admiral Kevin Scarce, Mrs Liz Scarce, a patron of the South Australian Women's Memorial Playing Fields (where the event is held) and many colleagues from the state and federal parliaments attended on the day. The Leader of the Government in our chamber and Minister for the Status of Women, the Hon. Gail Gago, as well as the Hon. John Dawkins and the Hon. Mark Parnell from our chamber were also there.

Bangka Day is named after Bangka Island and Bangka Strait, both of which lie east of Sumatra, and the commemoration is specifically to honour the South Australian Army nursing sisters who were massacred at Bangka Island in February 1942. It also honours and remembers all those women who served in the forces and commemorates those who made the ultimate sacrifice for our country.

The Bangka Day massacre, as it is known, occurred on 16 February 1942 on the beaches of Bangka Island. The events that led up to this tragic event saw some 140 Australian nurses, injured service personnel and many other civilians quickly evacuated from Singapore Island on three poorly-equipped vessels, all due to advancing Imperial Japanese forces. One of the vessels was the *SS Vyner Brooke*, with a normal capacity of 12. It was crammed with 65 nurses, civilians and some injured service personnel, in particular sister Lieutenant Vivian Bullwinkel, who was born in Kapunda, South Australia.

During its daring escape, the ship was sunk by Japanese aircraft and therefore forced all who survived, including Sister Bullwinkel, onto Radji Beach, Bangka Island. The group was joined the next day by others, making a total of about 100. They elected to surrender to the Japanese forces. History records the tragedy of what happened next, with soldiers arriving soon after and

killing all the men who had elected to stay behind on the beach and then motioning the nurses to wade into the sea where they were machine-gunned from behind—the tragedy of war.

Sister Bullwinkel was the only survivor of the Bangka Day massacre, having been shot by a bullet that did not hit any internal organs but passed straight through her body. She washed up on shore unconscious and then managed to survive for 12 harrowing days hidden in the forest with an injured British soldier, only to surrender and spend the next 3½ years in a makeshift Japanese prison camp.

Sister Bullwinkel's survival from the massacre was kept hidden in order to protect her and the awful truth. On returning to Australia in 1945, Sister Bullwinkel was one of only 24 nurses from the *SS Vyner Brooke* to survive the end of the hostilities.

Online information tells us that Vivian Bullwinkel went on to devote herself to the nursing profession and to honouring those killed on Bangka Island, raising funds for a nurses' memorial and serving on numerous committees, including a period as a member of the Council of the Australian War Memorial and later president of the Australian College of Nursing. In 1992 Sister Vivian Bullwinkel returned to Bangka Island to unveil a shrine to those who had not survived. She died on 3 June 2000 aged 85 years.

The Bangka Day Memorial Service is held at the South Australian Women's Memorial Playing Fields. The fields were established in 1953, and the eight hectares of land located on the corner of Ayliffes Road and Shepherds Hill Road, St Marys, were granted by the late Hon. Tom Playford, the then premier of South Australia. I understand these fields are the only dedicated women's memorial of this type in Australia, a fact all South Australians should be rightly proud of.

I would like to thank Mr Bruce Parker, president of the South Australian Women's Memorial Playing Fields, and his committee for their continuing commitment to this important commemoration. I also acknowledge the excellent book *On Radji Beach* by Mr Ian W. Shaw. I know that we all agree how very important it is to record this piece of history to remind those of us who have come after of the courage of many to see a free world.

PLAYFORD TRUST

The Hon. J.S. LEE (15:36): I rise today to speak about the Playford Trust. On Monday 8 April I had the great pleasure of attending an award scholarships presentation by the Playford Trust along with the Leader of the Opposition, Steven Marshall, and David Pisoni, member for Unley, together with Rachel Sanderson, member for Adelaide, and I would like to give special thanks to the Hon. Dean Brown, Chairman of the Playford Trust, for his kind invitation to this special event. It was also great to catch up with the Hon. Robert Lawson, who is also a member of the Playford Trust. I would like to congratulate all the committee members for their excellent work and contribution to the Playford Trust.

The trust enjoys bipartisan support and works with government, tertiary and further education institutions, industry and the community. The charter of the trust is to provide scholarships in supporting South Australians to develop the research and skills base required to advance areas of strategic importance that will benefit South Australia.

The organisation has been operating for over 25 years, following a resolution by the South Australian government to establish a trust to honour the memory of the great leader, Sir Thomas Playford, the state's longest serving premier. Sir Thomas Playford served continuously as premier of South Australia from 5 November 1938 to 10 March 1965, the longest term of any elected government leader in the history of Australia.

His tenure as premier was marked by a period of population and economic growth unmatched by any other Australian state. Playford took a unique, strong and direct approach to the premiership and personally oversaw his industrial initiatives. He was known for his parochial style in pushing South Australia's interests, and for his ability to secure a disproportionate share of federal funding for the state. Many decisions made during his long term in government transformed South Australia from a predominantly agricultural economy to a modern industrial state. Sir Thomas Playford led the state continuously for over 26 years and left a legacy as one of the most significant South Australians.

As I acknowledge Sir Thomas Playford as South Australia's longest serving premier, I would also like to pay a special tribute to another great leader, the Rt Hon. Baroness Margaret Thatcher. From grocer's daughter to MP, a most remarkable politician of the 20th century, the Iron

Lady, who shaped a generation of British politics, passed away at the age of 87 on 8 April 2013—the same night as the Playford Trust presentation.

Baroness Margaret Thatcher was born in 1925 and was the longest serving prime minister of the United Kingdom, from 1979 to 1990. She was also the first and only woman to have held the post. She has been credited with transforming a nation in one decade, putting Britain back among the leading industrial nations of the world. Former Conservative PM Sir John Major described the Baroness as a 'true force of nature 'and a 'political phenomenon'. She led the Tories to three election victories. The world shall remember Lady Thatcher for her uncompromising politics and formidable leadership style.

Returning to the Playford Trust, I would like to give my congratulations to the 2013 scholarship winners who are in seven categories, and I would like to read their names. In the Regional Science and Engineering Scholarships, Matthew Wright, from Victor Harbor High School; Samuel Brown, from Naracoorte High School; Thomas Muecke, from St Joseph's School at Port Lincoln; and Jordan Wray, from Port Lincoln High School.

In the Playford Trust Honours Scholarship category, we have four from the University of Adelaide, Brett Lange, Simon Blacket, Talia Wittmann, and Alicia Hurkmans; from Flinders University, Krishna-Lee Currie, Scott Forsythe, Jai Strempel, Luke Volgin; and, from the University of South Australia, Adrian Creek, Ricky Martin (not the singer), Phillip Skelton, and Arna Smith.

In the category of Playford Trust PhD Scholarships, we have Sean Clark, Tiffany Reeves and Ric Porteous. In the Scantech/Playford Trust Honours Scholarships in Physics are Phong Huy Nguyen and James Cheuk-Heng Lau. In the Australian minerals institute/Playford Trust Honours Scholarship, we have Naomi Tucker and William Hagger.

In the Beach Energy/St Ann's College Playford Trust Residential Scholarships are Jonty Dear and Alana Cuthbert, and in the last category of Hillgrove Resources/Playford Trust Honours Scholarship in Geology we have Dennis Conway. Congratulations to every one of the scholarship winners.

COAL SEAM GAS

The Hon. M. PARNELL (15:41): I want to speak today about an issue which some may think is not very important or relevant to South Australia but which in fact is of critical importance to our state, and I am speaking about coal seam gas, its impact on farming communities and the grassroots Lock the Gate movement it spawned in the Eastern States. In South Australia, the language is about unconventional gas, which includes coal seam gas, tight gas and shale gas, all of which require hydraulic fracturing, or fracking, to extract the gas, which is predominantly methane; you could also add underground coal gasification to that list.

Fracking involves pumping large volumes of water and chemicals into the earth at high pressure to force open or fracture rock cracks, allowing gas to escape to the surface. The extraction technique was banned in France, and it has created environmental issues in Queensland, New South Wales and the United States after freshwater aquifers had become polluted. Many of us were horrified to see the US documentary *Gasland* a few years ago, seeing water that was able to be physically set alight and finding out about the impacts of this activity on agricultural land.

In fact, as recently as last week the ABC *Four Corners* program *Gas Leak!* revealed not only a hasty and incompetent process in the approval of thousands of coal seam gas wells in Queensland in 2010 but also a potentially illegal process. Some of the approvals that featured in the *Four Corners* program have now been forwarded to the Queensland Crime and Misconduct Commission. This referral was made by Drew Hutton, the national president of the Lock the Gate Alliance, and Simone Marsh, the government whistleblower who features in the program. I also understand that this referral to the Crime and Misconduct Commission has been formally backed by the Queensland Premier, Campbell Newman.

Last week in Adelaide, I was pleased to attend a public meeting where these issues were raised and put in a South Australian context. In town was Sarah Moles, the secretary of the Lock the Gate Alliance, and she spoke about the campaign interstate and some of the successes it has had. This is not a new issue for the Greens: we have been working on this for some years, including involvement with the Lock the Gate movement and other community-based campaigns, to insist on best practice environmental protection.

Predictably, this has resulted in us backing moratorium calls because the science and the assessment have been so poor that we should not be allowing any more of this activity until these issues are resolved, including the big picture issues, such as the impact of unconventional gas on climate change. My colleague Senator Larissa Waters some 15 months before the government finally moved had introduced into the federal parliament a bill to provide for an EPBC Act trigger for the impacts coal seam gas has on underground water. The campaign has broad support from many unlikely sources. To the best of my knowledge Sydney broadcaster Alan Jones is not a card-carrying member of the Greens, but he also is a vocal critic of coal seam gas, especially because of its impact on farmland.

In the South Australian context, just before Christmas, the government released its road map to unconventional gas, and this why farmers everywhere in South Australia need to be very worried. I refer to the *Stock Journal* of 13 December last year, where they explain it as follows:

> A new map outlining South Australia's potential for unconventional gas exploration was released by the State Government yesterday. It outlined locations for potential gas mining in the Lower, Mid, Upper and Far North regions, South East, Eyre and Yorke peninsulas, West Coast and Adelaide Hills.

You have to wonder what is left of South Australia if they are the areas that are potentially to be opened for unconventional gas.

The government, I think, knows that it is in for a fight. Chris Russell, writing in *The Advertiser* on 15 December, wrote about one of the objectives of this road map being preparing the way for public awareness. The article quotes Barry Goldstein, the executive director of the Energy Division of the Department of Resources and Energy, as acknowledging that public acceptance will be far trickier in the Otway Basin than it is in the remote Cooper Basin.

My message to the government is that, if it thinks the South Australian community will be as starry-eyed as some of the government ministers about our fossil fuel future, I think it is in for a rude shock. Secondly, if the government rides roughshod over the farming communities of South Australia, as has happened interstate, it is in for a fight; and, thirdly, if the government pretends that the world's climate can cope with unlimited extraction and burning of fossil fuels, it will be roundly condemned by this generation and the next.

An honourable member interjecting:

The PRESIDENT: Order! The Hon. Mr Brokenshire.

FLEURIEU PENINSULA PRODUCE AND TOURIST TRAIL

The Hon. R.L. BROKENSHIRE (15:47): I want to place on the public record a good news story about the Fleurieu Peninsula, my own home region and, in particular, my own home town, Mount Compass, and district. Yesterday, I had the privilege and pleasure, together with Diane Mattsson, the South Australian food writer for *The Advertiser*, Miranda Lang, the executive officer of Fleurieu Peninsula Tourism, councillor Grant Gartrell and Rebecca McCall and the committee, to launch the latest produce and tourist trail and associated brochure for our district.

I commend all those involved in the hard work that was done in putting this brochure together, including Rebecca McCall, who put so much work into it from about October last year until the launch last night, the Alexandrina Council and, most importantly, each and every one of the food producers, artists and recreational facilities, such as the Mount Compass Golf Course, and also those plant nurseries and other galleries that are involved in this food produce and tourist trail brochure.

I am very proud, as a member of a family of farmers in that district, to see the diversification and opportunities that have occurred since the time when pretty much all down our road it was dairying. Whilst I still want to see dairying grow and be strong in our district, I note that we have seen a massive diversification. I have only to look across the road from our own farm to the strawberry farm and watch the number of people who pull up there on a daily basis either to pick their own strawberries or purchase fresh strawberries, other berries, snow peas, garlic, cherry tomatoes and the list goes on—venison, marron, trout farming. The Fleurieu Peninsula is so diverse.

I have to agree with the former premier, the Hon. Don Dunstan, although I did not at the time, when I was worried about what direction he wanted to take the Fleurieu Peninsula. The Hon. Don Dunstan said that the Fleurieu Peninsula could and should be a holiday playground—and he was right. We are now seeing the diversification and the opportunities to capitalise on what is one of the most fantastic landscapes, with its diverse climate and produce trails, you would find

anywhere. In fact, the Napa Valley is a similar distance out of San Francisco as Mount Compass, which is at the hub of the Fleurieu Peninsula, is from Adelaide. When you see its vibrancy, I think that we can, in time, make the Fleurieu Peninsula an even more exciting destination for South Australians and interstate and international tourists. That is why I so strongly commend their efforts.

Look at Alexandrina Cheese and what they have been able to do, winning awards everywhere for some of the great local cheeses produced from Jersey cows. Look at the blueberries, the strawberries, the cherries—and the list goes on.

In the brief time I have left after sincerely congratulating all of those people involved in the produce and tourist trail brochure, I want to also acknowledge the hard work of the young men and women, including my own son as president of the Compass Cup, who also feature in this and highlight other opportunities that are provided to—

The Hon. J.S.L. Dawkins: He sounded better on radio the other day than you do.

The Hon. R.L. BROKENSHIRE: He's more talented than I'll ever be. The fact is that that provides opportunities for tourists from all over the world now, coming to visit Australia's only cow race, and also local families who have so much fun.

After congratulating them on the job they have done, I want to leave with one statement to the government: whilst we do have threats to and challenges with manufacturing—and we can give lip service to reinvigorating manufacturing with so-called innovative manufacturing the rest of the world can also do, including the advanced world and other OECD countries—value-adding to our food and tourism is where real jobs can be created and where significant opportunities are in the future, as we have to double food production over the next 40 years to feed the world.

In addition, if we put money into R&D, and proper money into PIRSA and Tourism SA, then we can capitalise on strong job creation for future generations. I ask the government to refocus its direction and have a look at the importance of agriculture and tourism to the long-term economic and job opportunities for this great state of South Australia.

PREMIER'S COMMUNITY INITIATIVES FUND

The Hon. R.P. WORTLEY (15:51): Sadly, it sometimes seems that the time devoted to matters of interest in this place is misused to denigrate members, disseminate rumour and innuendo, and for other tawdry purposes. We saw today the quite nasty attack on Tung Ngo, the very well-respected public servant who has been preselected at No. 3 on the Legislative Council ticket for the Labor Party. However, unlike those who misuse this time, it is my belief that matters of interest should illuminate the concerns and the achievements—often the very quiet achievements—of South Australians, people who work in the interests of others, frequently for those who are less fortunate than ourselves.

Just a couple of weeks ago, I had the pleasure of presenting grant cheques from the Premier's Community Initiatives Fund to four community groups in and around Adelaide. These are groups that help vulnerable people with shelter, a meal, advice and companionship. They help people to connect with services and with each other. Life Community Care operates from the Life Christian Centre in Angas Street. Pastor Joe Leone and his colleagues are refurbishing their kitchen so that they can draw in more people from the inner city to share food and activities in a welcoming social setting. I commend their efforts and their goodwill.

Unity Housing Company operates a number of boarding houses for men and women in the city; some are passing through and need a bed for a few days, some stay for several months, and some stay for many years. At the Angas Street premises, I met Ms Julie Blake and her staff, all enthusiastic advocates for their service and for the people they serve. Unity received funding to assist with its community shed project, and I applaud Unity and commend its work.

I had the great fortune to talk to quite a number of the people who are staying there, and they well and truly appreciate the service. Without the service that is provided by this organisation, many of the men would have no other alternative but to sleep under trees in the Parklands and go without food, so the work is very important and the Premier's initiatives fund obviously commends the great work they do.

Restless Dance Theatre received funding to assist with the Dot to Dot project. I was very pleased to present the cheque to Michelle Ryan, Artistic Director, and Mr Nick Hughes, Manager of Restless Dance, before having the pleasure of viewing a session of the music and movement

program called Growth Spurt. This is specifically for children up to the age of two with Down Syndrome. Children make enormous developmental strides when they are asked to respond to this environment, and I watched with interest as they participated with their parents and carers in songs and activities. I must say I admire the work they do. It was quite pleasant to watch the actual commitment the parents make to their children and the commitment those carers who spend many hours of the day with these children make to improving their endeavours and activities and the way they can cope with life in the future.

Toc H started in World War I and is committed to recognising the needs of others through community service. Toc H offers a campsite near Victor Harbor to community groups, including people with disabilities, as well as youth courses and projects for the frail and aged. It has received assistance from the Premier's Community Assistance Fund for its Sleep Safe project. What they anticipate doing with this money that they were given from this fund is purchase mattresses for people to sleep on.

I was delighted to meet the national director, Michael Thomas, and representatives of Toc H, including two impressive young members of the organisation. I commend Toc H and its work in assisting those in need. I suggest that we can all learn something important from the work of these groups and others like them. Their endeavours are well and truly genuine matters of interest.

I often go to look at and speak to various organisations that provide these sorts of services to the needy. Without the sort of support the government gives to these organisations, life would be much more difficult and much more unpleasant for these people. In any society, people who are more affluent surely cannot enjoy their affluence and an affluent society while knowing that other people are in need and suffering, so it is good to see that the assistance of the government makes life a little more pleasant for people in need.

ANIMAL WELFARE

The Hon. T.A. FRANKS (15:57): I move:

That this council—

1. Condemns the cruel and sadistic behaviour of turkey abattoir workers at a Sydney abattoir as broadcast on ABC's *Lateline* program on 20 March 2013;

2. Urges the Weatherill government to take action to stamp out animal cruelty through the introduction of mandatory CCTV cameras at all abattoirs, slaughterhouses, poultry and game meat establishments in South Australia;

3. Calls on the Weatherill government to create a minister for animal welfare to address ongoing animal welfare concerns; and

4. Supports calls for an independent federal office of animal welfare.

I move this motion today that this council condemns the cruel and sadistic behaviour of the turkey abattoir workers at a Sydney abattoir as broadcast on the ABC's *Lateline* program last month and I urge, today, the Weatherill government to take action to stamp out animal cruelty through the introduction of mandatory CCTV cameras at all abattoirs, slaughterhouses, poultry and game meat establishments in our state. I also urge this government to consider the creation of a minister for animal welfare and a specific animal welfare portfolio within its department structure and also urge and support the speedy creation of an independent federal office of animal welfare.

Members would be aware that there have been numerous scandals over many years involving abattoirs and slaughterhouses across Australia and, of course, overseas in some of the markets where Australian animals are and have been sold. Examples of callous brutality and wanton cruelty meted out to Australian animals in Indonesia, Kuwait and the Middle Eastern destinations exposed on the *Four Corners* program *A Bloody Business* in 2011 quite rightly caused an outrage across Australia.

That exposé was, of course, due to an NGO—Animals Australia. It was not due to government processes identifying and uncovering that cruelty: it was work undertaken by a non-government organisation funded by its donors, who are basically individual Australians. Certainly, no government arm exposed that cruelty.

The latest examples of sadistic and brutal treatment here in our own country, as revealed on the ABC's *Lateline* program on 20 March—similarly exposed by, in this case, Animal Liberation—are just as sickening, if not worse, than what we saw on the *Four Corners* in Indonesia

program. We do not have the excuse here of lacking access to appropriate facilities or appropriate training or, indeed, a lack of animal welfare standards in this nation, or, in fact, the lack of an ability to enforce such standards or regulations. That is why, overseas, CCTV is now mandated in the EU by some supermarket chains in the abattoirs of their suppliers as a result of consumer pressures to ensure high animal welfare standards. Here in Australia I think we will see that same consumer backlash unless something is done.

Here in Australia, in fact, CCTV has been introduced voluntarily by some operators, including international company Teys Australia at its abattoirs and facilities in Naracoorte and, indeed, in two other Australian states. It is a proactive move that I believe will ensure its animal welfare standards can withstand public scrutiny. CCTV in abattoirs ensures that the supply chain can be guaranteed and that consumers can have confidence in the products they are buying, not just overseas but also here in Australia. It will be a move that will support the higher levels of animal welfare standards being upheld.

Disturbingly, the instance we saw revealed in the most recent footage that was obtained from the Inghams plant in New South Wales was that of an undercover investigation, as I say, undertaken by Animal Liberation in conjunction with the *Four Corners* program, and it revealed the horrendous cruelty that, in fact, was commonplace and typical. It was done over a number of weeks, and those who saw the footage or read the transcripts know it was not a single isolated incident. It was ongoing and chronic and widespread.

It is good news that Inghams, the company at the centre of that abuse scandal, has announced that those five employees have now been sacked and, indeed, that the incidents that were recorded have been referred to the police. Furthermore, they have also announced that they will be installing CCTV in that establishment. That voluntary action is quite welcome, and it is clear that if we are serious about improving animal welfare we must not be hypocritical here in Australia. If it is sufficient to call for CCTV in facilities overseas because of documented evidence of cruelty and mistreatment of animals, then, of course, it is sufficient to have it here in our own country.

CCTV is the equivalent of having an inspector on duty 24/7. While it is not perfect, it is a hell of a lot better than what we have now. While the RSPCA or PIRSA inspectors do a good job, they simply cannot be everywhere all the time. CCTV, in fact, can. It will both ensure better outcomes for animals and ensure consumer confidence in the South Australian meat industry and meat processing industry. Mandatory CCTV in abattoirs is, of course, supported by Animals Australia, the peak animal welfare lobby group in Australia and, indeed, the Greens.

Similarly, we are strong in our support for a powerful and fearless advocate for animal welfare, and we believe that the federal agriculture minister (Joe Ludwig) has dragged the chain on establishing an independent office of animal welfare, despite animal welfare groups and, indeed, several Labor MPs having advocated this for many years. At a federal level, it is clear that, as long as animal welfare remains the responsibility of the minister for primary industries, the interests of animals will play second fiddle to the interests of agribusiness, which focus, of course, on maximising profits.

The culture of factory farming can lead to abuses occurring, and they seem to be occurring with unfortunate regularity. This can and must change, and that change can begin with ensuring we establish the long overdue federal office of animal welfare. At a state level, we need similar impetus to ensure that there are dedicated advocates within government and supports for not only the non-government sector but also for those within government to ensure animal welfare, and a dedicated minister for animal welfare is an essential for any government that is serious about ensuring those standards.

At the moment, the responsibility for animal welfare lies with the Minister for Sustainability, Environment and Conservation. There has already been potential for conflicts of interest to emerge in recent times, and this was, indeed, the case with the live export trade in livestock and, certainly, I believe it has been the case in regard to practices in terms of ritual slaughter of livestock in this state, where commercial considerations are seen as more important than animal welfare issues. Perhaps that is understandable but, where there is no-one being the champion of animal welfare, of course we know that each time animal welfare will miss out.

An animal welfare minister would ensure that not only the issues around livestock would be given attention but also that other issues such as puppy factories and companion animals like cats and dogs would be given the rightful attention they deserve. These are complicated cross-government issues. They cross areas of consumer affairs, local and state government regulations,

and other areas of law. Having an animal welfare minister would ensure that we would see much better laws and much better practices than we currently do where these issues are often seen to fall through the cracks and be put in the too-hard basket. Certainly, the buck does not seem to stop with any particular department or minister.

So many animals are suffering unnecessarily because of lax laws or codes of practice that authorise what would otherwise be illegal acts. Members who were around for the debate on jumps racing and my bill to ban jumps racing would be keenly aware that the Law Society said that my bill was not necessary to ban jumps racing because they believe it already contravenes the Animal Welfare Act of this state. However, jumps racing continues and we will never see that tested in the near future unless there is strong support for animal welfare and the Animal Welfare Act from the highest levels.

While I applaud those NGOs and members of the legal fraternity who are looking to challenge the legality of jumps racing, I have to acknowledge that it is going to be a long time in coming to truly challenge that and take something through a courts process where we should just have a ruling in this place that, yes, it contravenes the Animal Welfare Act. The minister for animal welfare would be able to champion that debate and that would be the end of the story. Certainly, it would be a very different approach from this government's and it would be applauded by the Greens.

The attention and focus of a dedicated animal welfare minister would ensure that the codes of practice that we have are better enforced, up to date and relevant. At the moment, that is sadly lacking. It is often quoted that Paul McCartney infamously (or famously) said that CCTV in abattoirs would be like having glass abattoirs. If the world could see what you were doing, you would ensure that you acted as if the world could see what you were doing. We cannot be hypocrites in this place. If we call for the highest standards across the world in terms of the treatment of our livestock and animals, surely we must be able to do that here in South Australia. With that, I commend the motion to the council.

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

DEVELOPMENT (DEVELOPMENT PLAN AMENDMENTS) (NOTIFICATION) AMENDMENT BILL

The Hon. M. PARNELL (16:08): Obtained leave and introduced a bill for an act to amend the Development Act 1993. Read a first time.

The Hon. M. PARNELL (16:08): I move:

That this bill be now read a second time.

When I explain the purpose of this bill to ordinary South Australians, their first reaction is they cannot believe that the measure I am introducing is not already in law. The question that this bill addresses is whether or not it should be possible for a state government or a local council to rezone somebody's property without telling them about it. The answer to that question under the current Development Act and regulations is a clear yes. There is no obligation for a local council or the Minister for Planning under a development plan amendment (DPA) to actually notify the people whose properties are directly affected.

Members would know that the development plan amendment process is one of the key parts of the Development Act whereby the rules about what can and cannot be developed in which places are established. So changes to a development plan—whether it be a rezoning, a change to height limits, a change to setbacks or minimum lot sizes, or any of the other matters that go to the question of planning—under the current regime, can be made without telling the owners. I think that is wrong and I think that it is easily fixed, and that is what this bill does.

I will mention some of the controversial DPAs that members would be familiar with, just to refresh your memory about the sorts of things we are talking about: certainly the ministerial rezoning of Mount Barker; we have had rezonings at Gawler East; the Cheltenham Park Racecourse, of course; the St Clair proposed development; and the Glenside Hospital. They were all changes of zoning, but we have had other changes that have not involved a change of zone but have involved, for example, changes to building heights, such as the ones currently under discussion in Burnside, Unley, Prospect and along the River Torrens Linear Park.

Under the current Development Act and regulations, the only obligation on the minister or a council—and this is under regulation 11A—is to put a notice in the *Government Gazette* and in a

newspaper. If we start with the *Government Gazette*, apart from those of us whose job it is to know what is going on, I do not think I have ever met an ordinary South Australian who reads the *Government Gazette*. I understand that the gazette process is time honoured and formal, but it is not the way to get to South Australians who need to know things.

Newspapers are certainly a bit better. Most people have the ability to get a newspaper, but the number of people who read newspapers and the number of people who get to the public notices section is small and it is diminishing. It still begs the question: why should you have to be notified about something that so directly affects you that you need to go to a newspaper?

I note that there are some changes to development plans where owners are directly notified. For example, if the proposed change is to list your property as a heritage item, as a local heritage place, then you do have to be directly notified, but in other cases you do not. I recall some advice that I gave someone once when they rang and asked me how it was possible for their house to have been rezoned from residential to flood plain without them being told, and my advice to them was, 'They didn't have to tell you. If you don't read the *Government Gazette* and you didn't get a local newspaper and didn't see the notice, then, under the current regime, that's your fault and there's nothing you can do about it.'

This amendment is very straightforward. It says that, when it comes to development plan amendments, whether instituted by the government through the ministerial DPA process or by the local council, the obligation on the minister or the council at the time that the DPA is released for public consultation is to take reasonable steps to give notice to owners and occupiers of land that is directly affected by the operation of the proposed amendment that they have the right to make a submission and the right to appear at a public meeting.

The form that that direct notification should take I have left to the regulations. In other words, it may well be that in some cases an addressed letter is appropriate; in other cases, it may well be something in every letterbox is what is needed. The bill proposes that the council or the minister has to take reasonable steps to make sure that people get notice. I have extended it beyond those directly affected to the neighbours of those directly affected. That, of course, is clearly important for cases relating to building heights, where you have a situation where a person is potentially overshadowed by taller buildings next door. I believe they have the right to be told what is about to happen, or what is proposed, and the right to put in a submission and to front the meeting.

However, I do appreciate that, taken to its logical extreme, there may well be some inefficiencies in having a blanket rule that every change to planning has to notify every affected person because, of course, there are some cases where a minister might propose a change to planning that affects everyone in the state. These are the so-called statewide DPAs. My bill covers that situation by providing that there is no obligation to consult every person on a statewide DPA.

However, the vast majority of these DPAs do not affect the whole state; they affect limited numbers of people, and this bill makes it obligatory for those people to be notified. When I say 'obligatory', the obligation is to take reasonable steps, and there is a provision in the bill that states that just because someone who had a right to be notified was not notified, that does not invalidate the DPA. It does not invalidate the rezoning, it does not invalidate the change that was made to the planning rules. I think that provides a level of protection. We do not want to see unnecessary technical challenges on the basis that someone did not get a notice in the letterbox. I think that would be unreasonable.

This bill is really about changing the culture. It is about governments and local councils recognising—even though we are imposing it on them—that people who are affected by their decisions have a right to be told. I do not think this need be that hard at all. I think any of us could put ourselves in the position of the chap I mentioned earlier, who had his house rezoned from residential to flood plain; we would expect to be told that we had a right to comment on a change such as that.

In conclusion, this bill, along with the last amendment to the Development Act which I introduced some time ago and which this council, to its credit, successfully passed, is a bill I am putting forward on behalf of the Community Alliance, the umbrella group of resident associations and other groups around South Australia who have been individually fighting for justice in relation to development issues and who are now collectively fighting for justice. This is one of the issues that was identified by their members, and I am very pleased to be introducing it to parliament today. I commend the bill to the council.

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

O'GRADY, MS K.L.

The Hon. A. BRESSINGTON (16:18): I move:

That this council urges—

1. The Attorney-General to refer the untimely death of Kirbee Louise O'Grady, who died on 19 July 2012, to the Coroner for coronial inquest; and

2. The Attorney-General to request an inquiry into all the circumstances leading up to Kirbee Louise O'Grady's death including, but not limited to:

   (a) allegations of sexual assault;

   (b) issues pertaining to the investigation and case management of the matter by the police;

   (c) the decision of the Director of Public Prosecutions (DPP) not to proceed to trial;

   (d) effectiveness of the support and follow-up process of the DPP pre and post-trial, including when matters do not go to trial; and

   (e) any other circumstances that contributed to the death of Kirbee Louise O'Grady.

I am moving this motion today, that this parliament supports a coronial inquest into the circumstances leading up to the untimely death of a beautiful young lady named Kirbee O'Grady. I became aware of Kirbee's matter when her mother and aunt contacted my office. After having exhausted all legal avenues in relation to this matter, they contacted me, and several other notable politicians and heads of departments in Adelaide, in an effort to have this matter referred to the Coroner.

Sadly, as a young girl Kirbee became the victim of a serious crime for which she was unable to secure any lasting closure. Tragically, Kirbee was victimised by ongoing and explicit sexual abuse by member of her family at the extremely young age of three years old. This continued until she was eight years old. She was forced to engage in sexual acts and watch graphic depictions of sexual acts while the perpetrator gained his own gratification. Kirbee's family know of at least two other victims who were also abused by this sick individual; however, to this day this predator has never been brought to account in a court of law. Sadly, this abuse was cleverly disguised and did not come to light for several years. It was not until Kirbee worked up the courage to approach her mother and aunt that they realised both she and her cousin Ashleigh had been sexually abused by this predator.

Any abuse of a child is horrendous and breaches natural boundaries that any ordinary person would never cross. However, this was particularly heinous as she was raped and shown pornography by a close family member, who violated the innocent trust of one so young while she was in his care. The abuse in itself was horrific, which nobody can deny; however, it was the events afterwards that I believe caused a compounding trauma upon Kirbee, which ultimately led to her desperate action to take her own life.

By way of a brief history, the matter was reported to Family and Youth Services after Kirbee and her cousin Ashleigh spoke out about their abuse. Family and Youth Services later confirmed the sexual abuse had actually occurred. Approximately one week after the children admitted that they had been abused, a representative of the Sexual Assault Unit took statements, including video evidence, from both the girls with a view to charging and prosecuting their abuser. Kirbee had been working with the DPP and it was decided that she was not strong enough to be brought to proof. Subsequently her matter did not proceed to trial. Her cousin Ashleigh still wanted to proceed to trial; however, for various reasons this did not occur.

Both the girls were told emphatically that the matter had been put aside and was not, in fact, closed. This meant that, should Kirbee desire, she could request the matter to be resumed and she would be brought to proof before continuing the matter to trial. Effectively this meant that Kirbee still had a chance to secure justice.

This provided some glimmer of hope because she and her family believed that there was still a possibility for this predator to be brought before the court and to allow them to have their stories heard. I have heard from both Kirbee's mother and aunt that both the girls were desperate to have their day in court and to tell their stories to a jury. Regardless of the outcome, they wanted the court to hear their voice and recognise the validity of what they had to say.

I will just take a moment before I resume Kirbee's story to say that I am aware that some people in the chamber are of the view that some children do not want to testify against their abusers in matters of sexual abuse because they fear being the reason that their abuser is put in gaol. I can assure you, without any doubt, that this was not true of Kirbee O'Grady. Kirbee fought for years to have the matter heard and she wanted so very desperately to have her day in court, to be able to put on the record the things that her abuser did to her in the hope that her suffering would be recognised and he would serve some manner of gaol time for the crimes he had committed. There was nothing about her behaviour which would suggest that she wanted anything less than an opportunity to tell her story and see justice done to the man who committed such vile acts against her.

This desire was shown very clearly when Kirbee and Ashleigh, her cousin, who were relying on the guarantee that they had been given that their files had not been closed, attempted to reinstate the court proceedings against their abuser. Both girls met with severe problems at this point. Initially they were told that their respective files had been closed and that they had no chance of bringing the matter to court. Thankfully after some courageous and relentless agitation of those involved in the case and what can only be described as reluctance to act for the girls, the files were requested and the matter was resumed.

As Kirbee had indicated that she wanted to pursue the matter, she was required to make another statement to the police about the abuse that had occurred. She was approximately 17 years old at this time. On presentation to the police station, she was told that all interview areas were busy and that the only place she could make a statement was in the customer service area of the local police station. Sadly, for whatever reason, the police officer failed to realise that this actually traumatised this young lady and it should never have been required of her to give an account of her abuse in a public place. Regardless of her age, this was a callous and insensitive move which is unacceptable at best and professionally negligent at worst. Thankfully, however, Kirbee's mother was able to intervene and insist the interview be conducted properly, and the interview was conducted in an appropriate room on another day.

During this time, Kirbee was advised that her file had gone missing from the Elizabeth Magistrates Court and that it could not be located. Again, the girls and their family agitated and pursued the matter relentlessly. They were told that parts of the files were being held in several police stations around the country, two of which were Port Augusta and Elizabeth. It is unclear why the file from a matter which was almost ready to go to trial in Adelaide would be separated and sent to several different police stations around the state and not kept in one safe and secure location.

The missing parts of the files were eventually recovered, however, but to this day the family has never been shown the file, so they cannot say assuredly that the file given to the DPP was complete. It is quite possible that vital parts of the file were either still missing, located elsewhere or not provided to the prosecution. There were numerous other encounters with members of the police force, the DPP and other practitioners involved in Kirbee's matter which were, for lack of a better word, unsatisfactory and I have no doubt contributed to her ongoing despair and distain for the justice system.

Sadly, Kirbee's matter did not proceed to trial on her second attempt. The matter was never put to a jury, as the DPP said that there were inconsistent statements made by Kirbee. There were approximately nine years in between her making the statements and, whilst Kirbee's mother repeatedly asked whether Kirbee needed to read her initial 28-page statement prior to the day of proofing, the detective managing the matter told Kirbee that it was unnecessary and that she did not need to read the statement. However, on the day of the proofing, Kirbee was given five minutes to read her statement. Unable to cope with the added pressure, Kirbee began crying and was unable to properly read the statement in the short time she was given.

It is possible that this unnecessary pressure contributed greatly to her ability to recall events during the time of her second statement. I would like to point out that the substantive content of Kirbee's statements did not change over time, simply the order and some minor details. It is unfathomable that such a young girl was held to such a high standard of remembering details, in light, firstly, of her age at the time of the abuse—I remind the chamber that she was three years old when this started and that her first statement was made when she was eight years old—and, secondly, given that there were nine years between making both the statements.

As Kirbee was severely and significantly traumatised by her abuse, both at the time of the event and up until her passing, it is not surprising that there were some minor differences in her story. The subsequent treatment from the justice and law enforcement sector most certainly did not

help her during this time. It is no surprise to me that a child so young may get confused about the timing or location of certain events. As I mentioned, the substance of the allegations never changed. I believe that this matter should have gone before a jury where, no doubt, the judge would have given a direction and warning about prior inconsistent statements but would have let the jury make up their own mind on the reliability of her statements.

On 19 July 2012, some 12 years into this ongoing fight for justice, Kirbee took her own life. She was 19 years old. Nothing in the system worked to help her to fight for her right to access justice. She had to fight bitterly for every step that was achieved in the process, but she was left with nothing more than bad memories and no hope for her future.

Sadly, stories of sexual abuse are not uncommon, but this particular story, I believe, is heart wrenching. It is high time that justice be done for this young girl, who is no longer with us, and for the remaining friends and family, who are left fighting not only to see the system take action against this terrible wrong but to see the system change so that more innocent young people do not feel the need to suicide.

We as a parliament are in a privileged position in that we can use our influence to fight for justice for this young girl, her surviving family and all the other victims out there who are in a similar position. I am calling on the parliament to support this motion referring this matter to the Coroner to examine the circumstances surrounding and leading up to her death, in the hope that Kirbee and her family can finally have some justice and that other people who have been abused do not feel that suicide is the only option for them. It is time to bring the truth to the forefront. I commend the motion to the chamber.

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

NATURAL RESOURCES COMMITTEE: MURRAY-DARLING BASIN WATER RESOURCE MANAGEMENT

Adjourned debate on motion of Hon. R.P. Wortley:

That the report of the committee, on Water Resource Management in the Murray-Darling Basin: Volume 3—Postscript, be noted.

(Continued from 20 March 2013.)

The Hon. J.S.L. DAWKINS (16:30): Thank you, Mr Acting President, and it is appropriate that I rise to support the motion in your name. I do not wish to add a great deal to the comments made on the last Wednesday of sitting by the Hon. Mr Wortley but, in supporting the motion, I would just give a little bit of background and perhaps some additional information.

In fact, it was very soon after the 2010 election that the then minister for environment and conservation (Hon. Paul Caica) flagged his intentions for the Natural Resources Committee to undertake this inquiry on behalf of the parliament and, sir, you were part of that committee at that stage and you have now returned to us after your higher duties, so you would recall the fact that that was flagged to us around the establishment of the committee after the 2010 election.

As we know from the speech that was made by the Hon. Mr Wortley some three weeks ago, the committee took up the eventual reference from the parliament and got stuck into working on the draft Murray-Darling Basin plan when it was released in November 2011. Of course, it was much later than we had imagined. I think at one stage the committee had been preparing its workload to start on the draft plan in June, so it was many months later.

I think, though, the committee has made a very comprehensive inquiry and part of that inquiry included a range of field trips which varied from Lake Victoria in far western New South Wales—which of course is a significant water asset for South Australia—to the lower lagoon of the Coorong. We did cover a great deal of the Murray-Darling Basin from, as I say, western New South Wales and throughout South Australia and on those trips, we actually canvassed the views of many of the local residents.

The committee supported the general direction of the draft plan inasmuch as it aims to return flow to the river, but recommended the following improvements: salinity targets for Lake Alexandrina and Lake Albert of less than 1,000 EC and 1,500 EC respectively for 95 per cent of the time, measured as a rolling average over a 10-year period; water height targets for below Lock 1, with the height of Lake Alexandrina to remain above 0.5 metres AHD for 95 per cent of the time measured as a rolling average over a 10-year period; targets that never allow water height

downstream of Lock 1 to fall below mean sea level; and targets that will see the Murray Mouth open with river flows for 100 per cent of the time.

The committee also recommended that, prior to the finalisation of the basin plan, additional hydrological modelling should be undertaken to determine the viability of removing some of the operational constraints that prevent greater quantities of water and rates of flow being made available to the river and, ultimately, to South Australia. That modelling has since been conducted by the Murray-Darling Basin Authority. The South Australian Department of Environment, Water and Natural Resources conducted its own scientific review of the MDBA modelling, and this work was peer reviewed by the Goyder Institute.

I will not go on in that regard, but I would say that I think the committee on behalf of the parliament made a very good report. I think it was well informed, and certainly the efforts of Dr Mark Siebentritt in assisting the committee to develop the report were vital to our work. I should say, however, that, during the life of the committee's consideration of this matter, and around the time that we actually received the draft plan, new Premier Weatherill, who was only a month into the job, in what I and many others thought was some grandstanding duplication, announced his high-level task force to look at the MDB Plan.

I was frustrated, but I think not as greatly frustrated as some other members of the Premier's own party, in that really this great task that had been set for the independent multipartisan parliamentary committee to do this work on behalf of the parliament was suddenly overshadowed by, as I say, this grandstanding announcement of this 'wonderful' task force the new Premier had announced. I think that took some of the gloss off the work of the Natural Resources Committee. It certainly did not take any of the quality away from the work of the committee, but I know that some members opposite thought that it was a bit of a slap in the face to what is a well-respected, well-chaired, nonpartisan parliamentary committee. With those words, I commend the motion to the council.

The ACTING PRESIDENT (Hon. J.S.L. Dawkins): I call the Hon. Mr Wortley to conclude the debate.

The Hon. R.P. WORTLEY (16:37): Thank you, Mr Acting President. I would just like to concur with the contribution made by yourself and by any other speaker to the resolution. It was a very informative and long-running inquiry, and a lot of good work was done by a lot of people. The good thing about the Natural Resources Committee, of course, is that it comprises not only members of the Labor Party and the Liberal Party but also various Independents, which gives it a very good multipartisan outcome. I think it was a great report, so I would seek that this council approves it.

Motion carried.

SELECT COMMITTEE ON WIND FARM DEVELOPMENTS IN SOUTH AUSTRALIA

Adjourned debate on motion of Hon. D.W. Ridgway:

That it be an instruction to the Select Committee on Wind Farm Developments in South Australia that its terms of reference be extended by inserting after subparagraph I(i) the following new subparagraph:

(ia) An assessment of the impact of wind farm developments on property values.

(Continued from 20 March 2013.)

The Hon. R.P. WORTLEY (16:38): I stand to give the government's response to the Hon. Mr Ridgway's motion, and it will come as no shock to members here that the government opposes it. I will also endeavour to keep my remarks brief because of what I expect will happen when this comes to a vote.

Much of this was covered in a recent debate on a motion in another place. Before I get to that, I just point out to members that I understand there is already paragraph (j) in the terms of reference which states 'any other matter the committee deems relevant'. Very often, this particular clause is used to get any committee involved in aspects which sometimes defy the imagination but, as we are not in the odd situation where the motion is being simply carried, it implies that it is not needed.

Regardless, the government has a clear policy about wind farms. When we came to office in 2002, there were no wind farms in South Australia. The state has been a significant beneficiary from wind generators and, according to the Clean Energy Council, South Australia has attracted almost $3 billion in capital investment, which has translated to 842 direct jobs and 2,526 total jobs.

We are for investment in South Australia and we are for jobs. Legitimising false science is dangerous and legitimising false expectations is also dangerous. Quite frankly, it presents a clear and present danger to this state's future prosperity. It presents a clear and present danger to the state's future investment priorities and it creates an environment of sovereign risk. I recognise that the select committee will continue and that this is only about adding a term of reference but, as a matter of principle, I urge members here who value investment in South Australia and South Australian jobs, to oppose this motion.

The Hon. D.W. RIDGWAY (Leader of the Opposition) (16:41): I thank the lone member of the chamber for his brief remarks. I am disappointed that the government does not see that adding a term of reference to include the effect on property values is an important term of reference. The member is accurate that we could just include it as 'any other matter'—

The Hon. R.P. Wortley: We didn't need to. We could have done it under those terms.

The Hon. D.W. RIDGWAY: And he says we could have done it under those terms, but now they are saying they oppose it, so I really do not know where they are coming from. What I wanted to do was not try to sneak it in under 'any other matter' but to establish it as a real term of reference so that, when the wind farm select committee does finally report, it will report on that as a particular item or term of reference rather than being included under 'any other matter'.

The member rightly points out that the committee can resolve to look at it under 'any other matter' but I think it is important to establish it as a stand-alone term of reference. The Liberal Party has endorsed that position through its party room process, so I urge all members to support the motion to include property values as a term of reference of the wind farm select committee.

Motion carried.

PUBLIC FINANCE AND AUDIT (DEBT CEILING) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 20 March 2013.)

The Hon. CARMEL ZOLLO (16:43): I rise to respond on behalf of the government in relation to the Public Finance and Audit (Debt Ceiling) Amendment Bill 2013. Concerning the fiscal position of the state, I think it is important to, firstly, consider this government's record and remember that, when the economy was performing more strongly, we regularly delivered surpluses. We delivered these surpluses each year from 2002-03 to 2007-08 and again in 2009-10. These surpluses allowed this government to pay down debt such that there was no general government sector debt in 2005-06, 2006-07 and 2007-08. In fact, we accumulated net financial assets and had negative debt in those years.

The government also, during this period, delivered significant taxation relief in both land and payroll tax. In fact, the total cumulative value of payroll tax relief provided by this government since 2004 is estimated to exceed $1 billion to 2012-13. The total cumulative land tax relief, including the rate and threshold adjustments, provided by this government is estimated to total nearly $950 million by 2012-13. However, it was not possible to shield the state's finances from the severe impacts of the global financial crisis, which resulted in a widespread loss of consumer and market confidence. The economic downturn translated into significant and successive revenue writedowns. Taxation and GST revenues have been revised down by over $3 billion since the 2011-12 budget and this impact is incorporated within our current debt numbers across the forward estimates period.

In response to the global financial crisis, we made a conscious decision to continue our record capital investment in the state's social and economic infrastructure with the clear intention of supporting South Australian jobs and boosting the economy. We also introduced a significant package of fiscal sustainability measures in an effort to restore the budget to surplus. These measures will reduce the level of our debt by $6 billion by 2015-16 compared to what it would have been in the absence of those measures. We have met our savings target to date and we are currently on track to deliver the remaining savings despite some challenges in Health.

Although there has been a lot of focus on the level of debt in isolation, it is important to assess the debt against the size and growth of the economy. Having said that, the current level of debt as a proportion of gross state product is relatively low compared to the level of public borrowings through the 1990s. Also, it should be remembered that our current debt position is only

temporary. We are projecting a surplus in the near future and we are committed to delivering this and using it to repay our existing debt.

In relation to parliamentary oversight of public finances, the member's bill proposes amendments to the Public Finance and Audit Act 1987 to introduce an additional parliamentary control over the state's finances in the form of a debt ceiling. There is no doubt that parliament already exercises a significant degree of oversight and control over the state's finances through the provisions of the act. In particular, no money can be paid out of the government's Consolidated Account without the approval of parliament. Parliament is also responsible for the approval of the Appropriation Act each year and only this act allows the expenditure of public money. Before approval is given, parliament has the opportunity to scrutinise and examine the Appropriation Bill each year through the estimates committees.

In addition, the Auditor-General provides a comprehensive report to parliament each year on the government's finances. The report contains the Treasurer's statements which detail the transactions of the Consolidated Account and includes information on the state's debt. The parliament allocates specific time for members to question the relevant ministers on the Auditor-General's Report into their own areas. We hold the view that the approval, monitoring and reporting mechanisms currently in place are sufficient and we are doubtful that the implementation of a debt ceiling would benefit the management of the state's finances.

In relation to the views on the United States' debt ceiling, as we are all aware, the issue of debt ceilings has been discussed at great length in the United States, and I would like to share the views that some credit rating agencies have expressed. In 2011 Moody's credit rating agency issued a report suggesting that the US debt limit be eliminated. Fitch credit rating agency has referred to the US debt ceiling as 'an ineffective and potentially dangerous mechanism for enforcing fiscal discipline'. In addition, the US Congressional Budget Office stated that 'By itself, setting a limit on the debt is an ineffective means of controlling deficits because the decisions that necessitate borrowing are made through other legislative actions.'

Concerning the impracticality of the proposed debt ceiling, we agree with these views and do not believe that debt ceilings are a practical mechanism for managing debt. Even if further significant savings measures are implemented in addition to the $6 billion that have already been introduced, the timing and magnitude of future economic shocks are unknown and cannot simply be predicted.

I previously mentioned that taxation and GST revenues were recently revised down by $3 billion in the space of only 18 months, which flowed directly into our debt numbers. Therefore, in order to manage any further downside risk in economic conditions, we would have to introduce legislative amendments to lift any proposed debt ceiling by a further arbitrary amount to provide a buffer for fluctuations in the economy. This is obviously impractical.

When the government enters into a contract involving the expenditure of public money, it has an obligation to honour any payments under that contract, even if there is no appropriation funding authority. Also, the government has authority to make payments through the Crown Proceedings Act 1992, which provides for automatic appropriation funding to meet judgement debts.

The proposed debt ceiling could therefore result in a situation where the government is unable to make a payment because of an arbitrarily imposed debt cap despite the expenditure already being scrutinised and approved by parliament. As a result, legislative changes would be required to lift the debt ceiling, which would have the effect of delaying payments to the government's creditors.

We oppose the proposed Public Finance and Audit (Debt Ceiling) Amendment Bill 2013 on the basis that—if I can recap—parliament already has significant oversight and control over the state's finances and particularly the expenditure of public money; the implementation of an arbitrarily imposed debt ceiling could have a detrimental impact on the government's ability to meet its payment obligations and therefore create financial uncertainty for the state's creditors; and the imposition of such a debt ceiling has proven both cumbersome and dangerous in the United States, contributing to economic uncertainty and needlessly damaging the country's economic recovery.

Debate adjourned on motion of Hon. J.S. Lee.

STATE GOVERNMENT CONCESSIONS

Adjourned debate on motion of Hon. M.C. Parnell:

That this council—

1. Notes that state government concessions for low income households in South Australia have not been comprehensively reviewed for over ten years and have not kept up with price rises; and

2. Calls on the government, as a matter of urgency, to comprehensively review all concession arrangements to ensure that all South Australians have access to affordable energy, water, public transport and other public utilities and services.

(Continued from 6 February 2013.)

The Hon. R.P. WORTLEY (16:52): In moving this motion, the Hon. Ms Franks would be well aware that the recent amendments to the Social Security Act are a federal matter. As I understand it, the federal government continues to provide additional support for families by ensuring unemployment remains low. The federal government has introduced initiatives such as dad and partner pay as well as paid parental leave for the first time ever across the nation.

The ACTING PRESIDENT (Hon. J.S.L. Dawkins): Honourable member, is this the right motion? You referred to the Hon. Ms Franks, and this is a motion in the name of the Hon. Mr Parnell.

The Hon. R.P. WORTLEY: Well, this is it, yes. This is the state concessions, yes.

The ACTING PRESIDENT (Hon. J.S.L. Dawkins): Yes, but you did refer to Hon. Ms Franks.

The Hon. R.P. WORTLEY: I did, and that's what I've got in my speech, Mr Acting President.

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

The Hon. R.P. WORTLEY: Anyway, it is the content of the speech that matters to working people and families. The federal government has introduced initiatives, such as dad and partner pay, as well as paid parental leave.

Furthermore, on 20 March 2013, the Hon. Bill Shorten announced that more than one million Australian income support recipients, including those on Newstart and single parents, will receive the Income Support Bonus as the Gillard government's $1.1 billion bonus comes into effect. The bonus will help households cope with unexpected costs, such as urgent repairs on the family car, essential appliances, medical expenses or bills that are higher than expected.

The Income Support Bonus will provide more than one million Australians with an extra $210 each year for eligible singles and $350 for eligible couples. The state government also recognises that people who rely on income support often find it hard to manage unexpected costs, and we understand that many South Australians on income support are feeling the pinch of rising cost of living pressures.

I am pleased to advise the chamber of what this government is doing to help more vulnerable members of our community. For example, this government has increased the rate and number of concessions for several major charges to help eligible South Australians meet those living costs. We currently provide a concession on council rates of up to $190 per year, or up to $100 per year for a Seniors Card holder. When this government was elected, energy concessions were $70, and had not increased—

The Hon. T.A. Franks interjecting:

The ACTING PRESIDENT (Hon. J.S.L. Dawkins): Order! Can I just clarify with the honourable member that he is actually speaking to Order of the Day: Private Business No. 17 rather than Order of the Day: Private Business No. 11, which I have been advised he may be doing?

The Hon. R.P. WORTLEY: I am speaking to item No. 17. This is the speech the minister has given me.

The ACTING PRESIDENT (Hon. J.S.L. Dawkins): The members who moved Nos 11 and 17 respectively think that it may be referring to No. 11.

The Hon. R.P. WORTLEY: I will seek leave to conclude my remarks.

Leave granted; debate adjourned.

SECOND-HAND GOODS BILL

Adjourned debate on second reading.

(Continued from 9 April 2013.)

The Hon. J.A. DARLEY (16:57): I rise to speak briefly on the Second-hand Goods Bill 2013. This bill seeks to address issues relating to property-related crime by improving the regulation of the second-hand dealer and pawnbroker industry. In short, the bill provides for the establishment of a new regulatory regime, enhanced record-keeping requirements, and a requirement to electronically transfer transaction information to police.

The regulatory regime will be based on a tiered approach, the cost of which will be measured against the level of risk associated with the goods and activities of industry groups. At risk goods will be prescribed by way of regulation, similar to the current regulations, and will include commonly stolen items often traded by second-hand dealers and pawnbrokers. Prescribed goods will be nominated as class 1 and 2 goods. Second-hand dealers dealing in class 1 goods will need to be licensed, whilst second-hand dealers dealing in class 2 goods will be required to register with Consumer and Business Services, which will administer the regulatory regime.

An approved person test will apply to persons wishing to be licensed to deal in class 1 goods and all pawned goods. That person will be required to be present to conduct or supervise all transactions dealing with class 1 goods. The details of the purchase or receipt of all prescribed goods will need to be electronically transferred to police. Sellers will also be required to undergo a 100-point identification check.

The bill also seeks to redress the imbalance that exists between pawnbroker service providers and consumers by requiring that pawnbrokers provide more comprehensive information relating to the applicable interest rates, fees and charges, and the rights and obligations of both parties to the transaction. The bill also makes changes to the redemption periods that apply to pawned goods and the subsequent sale of unredeemed goods. The bill will extend to markets, but only to the extent that they will be required to have supervisors present during trading hours and that market operators will be required to be registered and report to police on prescribed goods transactions.

There is no question that many of the proposed measures the bill seeks to introduce have given rise to concerns amongst second-hand dealers. The opposition has already indicated that it is opposed to these measures. I agree that there are some aspects of the bill that will require closer scrutiny to ensure that they are not overly burdensome for second-hand dealers and others that are completely untenable. Included in these are the provisions that require the details of all purchases and receipts of prescribed goods to be electronically transferred to police. I am concerned about how these measures will operate in practice and how they will impact small second-hand dealers.

Given that the government has already indicated that prescribed goods will be similar to those contained in the regulations at present, it is important that we also look closely at that list. Under the current regulations, prescribed goods are defined as including: gemstones or precious metals; watches; sporting or recreational goods; watercrafts or parts of watercrafts; musical instruments other than pianos; portable engine-powered, motorised or air-powered tools or equipment; toolkits; photographic equipment or video cameras; computer hardware or interactive game consoles; computer programs or computer programs and data, including those comprising games for use with interactive game consoles; electric or electronic goods, including televisions, radios, compact disc players, videotape players, digital video disc players or other audio or audiovisual systems; mobile or portable telephones; microwave ovens; compact discs or digital video discs; bicycles, trailers and caravans; motor vehicles and various motor vehicle components.

As we can see, and as alluded to yesterday by the Hon. Tammy Franks, this is a very exhaustive list. It covers more valuable items, such as jewellery and motor vehicles, right through to everyday basic items, such as microwave ovens, radios and portable telephones. I accept that some of these everyday items may be very valuable, but the current regulatory regime does not differentiate between goods based on their value. It does not differentiate between a $5 watch and a $5,000 watch. It does not differentiate between a vintage camera that may be worth very little in dollar terms and a modern camera that may be worth thousands of dollars. It does not differentiate between a $10 second-hand microwave and a $1,000 microwave.

Furthermore, we do not know which items will be classed as class 1 or class 2 goods, other than that class 1 goods will be restricted to portable goods. There are many second-hand dealers

who deal in many of these items that are of very little value; they are their bread-and-butter items. There is no question that requiring second-hand dealers to be licensed and to report every transaction that relates to these items is going to have devastating consequences.

The new regulatory requirements will place an unwarranted burden on these businesses which, in today's economic climate, will make them unviable. I have met with a second-hand dealer who has warned that these new requirements will result in the closure of second-hand and antique stores that are already struggling to keep afloat as it is.

It is also important in this context to consider who this bill does not apply to. It does not apply to those who sell second-hand goods online, something which in today's day and age is becoming more and more popular. It does not apply to those who sell their goods at garage sales, in other words, hobbyists, and it does not apply to auctions. There is no doubt that these groups have been placed in the too hard basket at the expense of those second-hand dealers who run shopfront businesses. We all know that many people nowadays make their living from selling goods online; whether or not some of those goods are stolen, I do not know, but I suspect they may be. So, why choose the easy target? Why not include auctions? Why not include hobbyists?

Coincidentally, under the proposed regulatory regime, if you do currently sell prescribed goods, but you do not own or cannot use a computer, you will not be able to comply with the requirement to electronically transfer transaction details to police. To that end, I foreshadow that I will be moving a series of amendments to exclude second-hand and antique dealers from some of the more stringent requirements proposed by this bill. I must say, however, that I have a lot less sympathy for the pawnbroker industry, particularly for those within that industry who make a living out of dealing in stolen goods.

For those of us who question whether or not there are pawnbrokers out there right now who knowingly deal in stolen goods, I say that we are kidding ourselves. It may be just a handful, but there is no question that it occurs. Let us make no mistake: this sort of behaviour is not limited to the smaller, more dubious types of pawnbroker shops that are popping up more and more in metropolitan Adelaide; it applies equally to some of the bigger and more well-known chains of pawnbroker businesses we are probably more accustomed to.

Since coming to this place, I have heard firsthand of the sorts of situations this bill seeks to address specifically in relation to pawnbrokers. I am not suggesting that all pawnbrokers are the same, and I do sympathise with those businesses that do the right thing and run legitimate businesses dealing in legitimately obtained goods. However, there are those who either use their business as a means of dealing in stolen goods or, at the very least, turn a blind eye as to whether goods may be stolen. It is naive for us to think for one minute that some people struggling to make ends meet, or suffering from gambling or drug addiction or other sorts of hardship, are not selling stolen goods through pawnbrokers either to make ends meet or to feed their addictions.

In many instances, the goods are not reported as stolen because they are being taken from family and friends, as opposed to complete strangers. It is not something people are generally proud of, but it does happen. Nor am I suggesting that these people are bad; many have legitimate problems and need help. But as long as the pawn industry is allowed to operate as unsupervised and unregulated as it currently does, it will continue to encourage this behaviour.

Pawnbroker shops are marketed as a means of obtaining quick cash conveniently. In an urgent situation, they seem like an ideal way of raising money. However, many people who utilise these services for the first time are quite shocked at what it actually ends up costing them. If you are not able to raise enough money to recoup the pawned goods, you pay interest. Keeping up these interest payments over a prolonged period can far exceed the amount loaned to an individual in the first place. Stop making the interest payments and your goods are lost. That is how these businesses operate. They are a trap both for the first time, unaccustomed users as well as those caught up in debt.

I first raised the issue of interest on pawned goods with the office of the then minister for consumer and business affairs in 2010, during the debate on the Statutes Amendment and Repeal (Australian Consumer Law) Bill. That was some time ago now, but at that time I recall being advised that the federal government may have been considering the issue of pawned goods as part of a more extensive review into consumer laws. I do not know what, if anything, came of this, but I certainly would be interested in hearing any feedback the minister may have on this issue. I maintain my position that we should be looking at appropriate ways of capping the interest payable

on pawned goods, and I will be seeking further advice about whether there is any scope to address this issue under the current bill.

Further, I think that something more needs to be done in terms of barring orders. I understand that currently the only way to be barred from selling goods at a pawnbroker is by voluntarily signing a statutory declaration requesting as much. This does not apply across the board, so an individual would have to provide each and every pawnbroker in Adelaide with a letter requesting that the individual not be allowed to make any transactions at their store. This is completely ineffective.

I have had complaints from the families of individuals about their inability to get any sort of effective barring order in place in order to prevent their goods from being sold to pawnbrokers. Short of reporting their son, daughter or spouse to the police for theft, they are helpless. I would be keen for this issue also to be addressed under this bill. Generally speaking, though, I am also supportive of the other measures proposed for the pawnbroker industry; if anything, I think they could go a lot further. I look forward to the committee stage of the debate.

The Hon. K.L. VINCENT (17:09): I would just like to speak very briefly in support of the second reading of this bill. I would like to thank Kaes Cilessen from minister O'Brien's office for arranging a comprehensive briefing from Jeff Hack and his team of two other members of SAPOL, and from a staff member from Consumer and Business Services. As has already been mentioned in this place, this bill is designed to further regulate the second-hand goods industry. I know the intention is particularly to assist in preventing the movement of goods often shifted in high volume, and I do not think anyone in this place disagrees with that intent.

I think several good questions have already been raised in regard to the bill, particularly around the classification of certain items. I look forward to receiving the answers to those questions so that I can consider the bill in more detail, but at this stage I have no further questions beyond those that have already been asked, and I commend the second reading to the chamber.

The Hon. R.L. BROKENSHIRE (17:10): I rise to put the Family First position regarding the Second-hand Goods Bill and, at the beginning, I want to put on the public record the fact that, had the bill been put up again now as it was in 2009 prior to the proroguing of the parliament, Family First would have opposed it outright because, as it was back then, it was absolutely draconian. It placed an enormous impost on non-government organisations—charities, churches, schools, fetes, fairs, markets, auctions for footy clubs, and the list went on.

The government, in an attempt to make it more difficult for thieves, was actually making it incredibly difficult for law-abiding citizens who are already struggling to make sufficient dollars to keep their not-for-profit organisations in existence, frankly. I mention that just to reinforce to the government that they have to be very careful when they look at trying to address an issue that is of concern to the government, SAPOL and the community not to put any further burdens on law-abiding citizens and organisations who are subject now to enormous cuts through the mismanagement of the budget of this government over a 10-year period.

Having said that, it is fair to say that they have changed a lot of the direction and focus of this bill, and we would be prepared at this point in time to go only as far as clause 1 and then we would want to report progress because I am very keen to hear from the crossbenches and my colleagues there. The Hon. John Darley has already foreshadowed some amendments. I advise my colleagues that there may be one or two amendments that we actually still put in place, but that will depend on some of the answers that are given to us with respect to clause 1. That will set the direction for the committee, as I understand these matters; that is, if we get sufficient, adequate answers during debate on clause 1, then we may not be personally tabling any amendments.

I do congratulate the government on the fact that they are prepared to look at an area that is of enormous concern to anybody who is unfortunately on the receiving end of criminal activity in which possessions are stolen from their homes and families. Whilst most people have gone to great lengths and personal expense to improve the general security of their homes, I am advised that, over the last few years, there has been an increase in break-ins into sheds because they are easier, quicker targets for thieves to get material they can quickly sell and then get away from that property.

I was talking to a tradie only the other day who had parked his truck at the back of his home. He had scanning lights and everything he could possibly have put in, but someone knew that he had a lot of valuable tools on that truck. When he went to get in that truck to head off to do

his work as a tradesman the next morning, even the secure padlocks were all jemmied off and he lost thousands of dollars worth of tools, particularly power tools. That obviously cost him money.

He had workers whose wages he still had to accommodate and then he had to go through the trauma of trying to recover all that he possessed through his insurance, and he advised me that that in itself is not an easy situation. Most tradesmen do not take photographs of every tool and have the serial number of everything they own, as indeed you would not with a lot of other personal equipment, including musical instruments, which was the point raised by the Hon. Tammy Franks yesterday.

I acknowledge that there needs to be a serious attempt to stop the theft we are seeing in this area of criminal activity. As I say, I give the government a positive for that. I foreshadowed to the minister's adviser and some senior officers from SAPOL and other agencies that I would be asking the minister about exemptions, that I would be specifically asking questions on clauses 4(2) and 4(3), and that I would also be drilling into some of the issues concerning second-hand dealers.

I want to put on the public record some extracts from a letter that I received from a couple of second-hand dealers. I have also met with a second-hand dealer and I have had a couple of detailed conversations with a second-hand dealer. I certainly have not had anywhere near the representation that I had with respect to the original bill. In fact, with the first bill, just about everyone you could imagine was emailing, ringing or wanting to meet with us, including the Motor Trade Association and those bigger organisations within the state. My understanding is that most of them have been appeased of their concerns and have told the government that they would accept this bill pretty much in the format it has been drafted in and as it is being debated in the chamber today.

The letter from these second-hand dealers says that they run antique second-hand dealer businesses with an absolute focus on antiques and they run an antique market as well. They claim that they represent 12 antique dealers and they say that the proposed legislation will blatantly discriminate against and disadvantage them. They then go on to say that we already have legislation that covers second-hand dealers in South Australia that they currently comply with. I will ask the minister in clause 1 to highlight the differences in requirements between the existing legislation and this new legislation so that it is clearly on the public record and there for us as legislators to consider.

They talk about eBay and Gumtree—Australia's largest second-hand auction place where hundreds of thousands of sellers are exempt. They say that auction houses across the state of South Australia are exempt, markets are exempt, garage sales are exempt, but they then go on to say that the MTA were to comply with prescribed 1 goods. As is the case with quite a number of the second-hand dealers, it will have to comply with prescribed 1 goods, but they say that the government have listened to the Motor Trade Association and have revised that group to the lesser prescribed 2 goods with an amendment to this current legislation.

They claim that they are already in the system and that police have access to them. They say that they already compete against many thousands of hobbyist dealers who pay no tax or GST, no rent or principal in interest repayments if they are purchasing their buildings, and certainly do not employ anybody else, as some of these people do in their shops. They then go on to say that, with respect to the 14-day holding period of prescribed 1 goods, they want to know what other industry has this regulation. The general public sells second-hand goods but do not have to comply with this, and they say that this is unsustainable for a small business.

They personally claim that this legislation will make honest dealers accountable for items not stolen. So the minister has time to get the responses ready, I foreshadow that I will ask for the reasons behind the government putting in the legislation that provision that these second-hand dealers are not happy with. They also talk about the fact that they say there was no real consultation with them and that dealers are only just becoming aware of this legislation. I asked one dealer I met with why I have not had much representation from other second-hand dealers this time, and he said that he did not believe a lot of the second-hand dealers were aware of the impost now with respect to this legislation.

He then claimed that the police administrators admitted by phone that approximately 260 notices of this legislation that were sent out were returned unclaimed. I would like the minister to tell us whether that is true and, if so, why that occurred. They then go on to say:

Where are the statistics showing that the majority of stolen goods are being sold and distributed by antique dealers and how many antique and second-hand dealers have been charged and sentenced previously to warrant this legislation being justified?

I know that those details are available through SAPOL and, given that we probably will not go into committee until next sitting week, the way things are heading (because the Hon. John Darley has foreshadowed amendments, etc.), I think they have time to get that information for our chamber. In the letter, they also say:

I know of no dealer that wittingly or unwittingly would buy stolen goods, yet the general public in their hundreds and thousands can buy and sell from auctions, advertise in the paper and internet without any checks and balances that antique second-hand dealers already have to go through. The introduction of a 100-point identification check is excessive and an invasion of our customers' privacy, keeping in mind a fair majority of these clients are retired elderly. The 14 days holding period for prescribed goods is discrimination against second-hand dealers. What about eBay, Gumtree, auctions and the general public?

I know that there is an answer to that because I got an answer this morning during my briefing. I appreciated the briefing and the honesty and openness of the officers giving me that briefing. Notwithstanding that, it is something the minister can talk about during committee.

They make a comment here which I understand is probably true to an extent because I, for one, am continually arguing that the last thing we need is $150 million worth of budget cuts to SAPOL. SAPOL are not magicians. The government, through the Premier, has actually said that SAPOL are going to have to accept the $150 million worth of cuts and, on top of that and within those cuts, SAPOL apparently will still be able to employ additional police officers. Having had the portfolio for some years, I know that budget pretty well, and it is very difficult even to replace a bit of carpet in some of the police stations these days, let alone have $150 million worth of cuts and then employ additional police officers.

The Hon. T.A. Franks: Ministerial offices?

The Hon. R.L. BROKENSHIRE: No, it's an occupational health and safety issue in a minister's office, for goodness sake. You would have to have the thick carpet there, for sure. But the point is that, irrespective of the debate in the media, in my opinion we are already short on the ground when it comes to police officers who are out there at the coalface delivering to protect the community and keep South Australia a safe place in which to live, work and play. To get back to their point, they say:

Not once has a police officer had time to visit my showroom to check my books or check through my stock itinerary. Understandably, they are too busy.

They go on to talk about another area, and this is one I do want to have a look at. They say:

A licence with high fees is unfair and pure revenue raising. My colleagues and I have already applied to the Police Commissioner to hold a second-hand dealers licence. This legislation means we will be paying the police to harass and hassle us just to raise revenue, as this legislation is not a holistic approach to stolen goods, as eBay, auction houses, etc., would be included if it was. My objective is to get support against this new legislation.

Then they go on to list reasons why they do not believe the legislation should be supported. I have put that on the public record because that is our job as legislators—to listen to all of the debate, to what constituents have to say, and to represent them and cross-check as best we can whether or not what they are saying is accurate and whether there is any tweaking we can do to accommodate their concerns while still supporting the principles of the bill. I say again that we support the principles of the bill. It is fair to say that all of us as legislators want to use our legislative opportunities as members of parliament to make it as difficult as possible for criminals to exist and carry on in this state and to make it as easy as possible within reason for police and other authorities to be able to apprehend, convict and sentence those offenders.

This government has a history in the last several years of taxing and charging South Australians, particularly in small business, to the point where a lot of people are just shutting down their businesses. That is shown in statistics, as I recall. Wherever it is at state and federal level, there is continual objection from the business sector about red tape, green tape and costs and charges, and you are not in a position in business to add on all of your input costs to the product that you are producing, selling, manufacturing or growing. It is just not possible because we are in a situation where we are competing in a global market in so many areas.

What we have now is a government that has a massive financial problem, $14 billion worth of core debt in the forward estimates, which they say is due to the global financial crisis. Well, they have never actually disclosed the facts and figures on that and, if you have a look at the fact that in

a 10-year period the budget income to the government has actually doubled to about $15 billion a year of revenue. The truth of the matter is that the debt is mainly through bad management of government and pet projects that they did not cost or budget for that they are now paying for after winning the last election and holding those seven marginal seats.

I say that within the context of this debate because we have a new tax. As far as I am concerned whether it is a levy, a GST-type tax or a registration fee or a licensing fee, it is a tax—and this is a brand new tax. This is all about cost recovery. What the government is trying to do now is full cost recovery wherever it can. They do it at their peril because if they had actually got out and spoke to South Australians, one of the things that would probably send a lot of South Australians who voted for the Labor Party in the last election voting for the opposition and/or crossbench MPs is that they are sick and tired of being taxed out of existence and they are having trouble making ends meet. They say to me, 'How come we have to balance our books every week. We have no choice. But the government simply brings in taxation imposts.' We have seen it with PIC fees, we have seen it with biosecurity. It is here, there and everywhere, and now we have another one.

In committee I want to question the minister on the wisdom of having these licence fees. I will foreshadow that to colleagues, so that they can think about it a bit as we go into committee in the next sitting week, and whether or not it is appropriate in the first instance that all these second-hand dealers should have to pay an up-front fee. What happens is there is an up-front fee for them to get their new licences, I understand it, and then after that there is an annual fee. I believe there are precedents that where these transitional situations occur, there is a sunset-type provision so that you are not actually paying that first fee at least. They did not ask for this. It is the government putting it on them and then slugging them from day one with basically what is a set-up fee for the licensing, as I understand it.

As I say, there is intent here to try to give police in particular the opportunity to have a wider net to capture criminals and, other than the criminals, everybody would commend the government for that. However, as is usual in any piece of legislation, there are unintended consequences. We need to work through those unintended consequences, and that clearly will be done at the committee stage. Family First will look closely at the Hon. John Darley's amendments and any others that are put up. Again, just so that it is understood by the government, subject to some of the answers we get in the early stages—probably best in clause 1—we reserve our right to look at one or two amendments as we work through the committee stage.

The Hon. S.G. WADE (17:30): I was keen today to take the opportunity to speak about the federal amendments to the Social Security Act, which will further impoverish already struggling single-parent families when their youngest child turns eight by moving from the parenting payment onto Newstart—over 100,000 single parents were previously protected by the Howard government's welfare-to-work reforms—but I missed the opportunity.

I rise to speak today on behalf of the Liberal opposition in relation to the Second-Hand Goods Bill 2012. First, I would like to thank South Australia Police for the information and the time they have taken to brief the opposition. Our lead spokesman on this issue is the shadow minister for police, the member for Stuart, the Hon. Dan van Holst Pellekaan.

The Hon. R.L. Brokenshire: He's not an honourable yet. You've got to get him into government and make him police minister.

The Hon. S.G. WADE: Just hoping. This bill has been a recurring feature of the last two terms of parliament since first being introduced in 2009. On 17 June 2009, the government introduced the first iteration of the bill, the Second-Hand Goods Bill 2009, to parliament. The bill sat during the winter parliamentary break whilst formal industry and public consultation took place. The bill was not debated and lapsed when parliament was prorogued in December 2009.

There is no doubt that the member for Stuart is honourable but he may not yet have the title of 'honourable'. Some changes to the bill followed the consultation in 2009 and there was a second round of consultation leading to the second bill. This bill was introduced on 15 November last year but was left off the agenda by the government until last month.

The government claims that the measures in this bill are necessary to combat theft and the transfer of stolen goods through retailers in the second-hand goods market, and it aims to achieve this by a range of new measures. The first includes greater regulation of who can work in the second-hand goods industry. This is proposed to be done by a user-pays licensing system, which is proposed to be introduced at a substantial cost to small business.

I was interested in the comments by the Hon. Robert Brokenshire in relation to when does a levy become a tax. When we consider the government introducing compliance obligations on a business and then charging them for that involvement, it is hardly a user-pays system. They did not choose to be involved in the system; it is a compliance requirement being placed on them. I think the honourable member has a very good point. It looks a lot more like tax to me.

Barring orders are most commonly associated with licensed premises but they have also found their way into this bill. The bill provides for criminal intelligence background checks, which will put second-hand retailers on the same standing as people who sell hydroponic equipment that could be used for drug manufacturing, people who want to possess and shoot firearms, and those who might be subject to a control order under the anti-bikie laws.

As this council is fully aware, the opposition has previously raised concerns about the increasing prevalence of the secret evidence laws which were initially introduced to fight organised crime and are now being used routinely in licensing and small business regulation. We do not believe that small businesses deserve to be treated like criminals.

The enforcement of these licensing provisions is proposed to be a dual role between South Australia Police and the Office of Consumer and Business Services. The latter will be expected to manage licensing matters and SAPOL will take on an enforcement role and the monitoring of the transaction management system, which I will discuss in a moment.

The bill includes a number of steps to delay the sale of second-hand items and to introduce a transaction management system (TMS) to provide information to police about goods being sold by second-hand retailers selling certain prescribed items. These are not just a few rare items of high value to an *Oceans 11*-style crew; the items targeted by the government include an enormous range of everyday items that are being sold by retailers. Indeed, the government's policy is deliberately to target these items. The bill is, by design, a leviathan that covers everyone from Big Star records to caravan stores, from jewellers to sporting stores.

The government has given only an indicative list of items that it intends to prescribe which, it says, are similar to the current items listed in the regulations. These include items such as gemstones or precious metals; items of jewellery that include gemstones or precious metals; watches; sporting and recreational goods; water craft; musical instruments; portable engine-powered, motorised or air-powered tools or equipment; toolkits; photographic equipment or video cameras; computer hardware or interactive game consoles; computer programs or computer programs and data; electric or electronic goods, including televisions, radios, compact disc players, video tape players; vehicles without their own automotive power; and motor vehicles. There is also a whole series of motor vehicle components that are touched on by the regulations.

When people see a bill labelled the Second-hand Goods Bill and are told it is designed to deal with crime, people expect it to be targeting the second-hand goods businesses that are notorious for dealing in stolen property. I am sure that the Hon. John Darley spoke for this council when he said that this council does not tolerate that sort of behaviour. That is what people expect this bill to be targeting. I think the lack of detail that the government has provided so far raises concerns that it is actually going to be dealing with a much wider range of activities.

One of the changes in the bill is that goods will be divided up into class 1 and class 2 goods. Class 1 is said to be ordered by more commonly stolen and mobile items and those other items which are less commonly stolen. Since 2009, a number of industries have been removed altogether. These include scrap metal recyclers and auctioneers.

Research provided by the government indicates that many criminals involved in theft are subsequently selling these items through second-hand retailers to turn stolen goods into cash. There is also some body of research that suggests a link between the theft of goods for cash and the drug market; in other words, some criminals are feeding a drug addiction through the theft of other goods. The government has quoted estimates from police that around 10 to 15 per cent of stolen goods are being sold directly to retailers by either the offender or an accomplice. A person must show 100 points of ID and be over 16 years of age to sell an item to a second-hand retailer.

There has been limited experience in New South Wales, Western Australia and Queensland, and internationally in the US, New Zealand and Canada, of using electronic systems to report stolen goods. The government hopes that similar technology can be used here to reduce the incidence of theft. There are already significant record-keeping and disclosure requirements imposed on second-hand retailers under the Second-hand Dealers and Pawnbrokers Act 1996 and

related regulations. These requirements are proposed to be significantly expanded and will require even more market operators to report details of items that have been sold.

The bill proposes to introduce a new regulation on pawn dealers and govern the exchange of goods with pawn dealers. This is primarily intended to provide consumer protection. This bill will radically change the nature of business for second-hand retailers, and these provisions deserve to be considered to their fullest extent. I seek leave to conclude my remarks.

Leave granted; debate adjourned.

BURIAL AND CREMATION BILL

Adjourned debate on second reading.

(Continued from 19 March 2013.)

The Hon. J.A. DARLEY (17:39): I rise very briefly to speak on the Burial and Cremation Bill which repeals the Cremation Act and part of the Local Government Act in order to create a single comprehensive regulatory scheme that will cover all cemeteries and crematoria.

I understand that this bill has been a long time in the making and that there is broad support for a single act to replace the approach taken by existing legislation. That said, there are also a number of objections to some of the proposals which are still being addressed by way of amendments. I am still rather intrigued that this bill has not been the subject of much more noise and it does make me wonder how extensive the public consultation process has been.

Whilst I support the intent of the bill, I have sought clarification from the minister's office with respect to a couple of matters that, on first reading, stood out to me as potentially problematic. Those issues include the provisions relating to cemeteries being closed and subsequently converted to parklands or gardens and the removal of the 99-year limitation on interment rights.

In relation to the first issue, the bill provides that a cemetery may be closed if it has become unsuitable for the disposal of human remains or 25 years or more have elapsed since human remains were last interred. Before the closure can occur, the relevant authority must give notice for the proposed closure by way of advertising in the newspaper on two separate occasions.

In terms of unexercised rights of interment, the bill proposes that the relevant authority may, by agreement with the holders, discharge the interment rights and give the holders a refund or offer them a new interment right free of charge in another cemetery. It is this aspect of the bill that I am most concerned about. There are many instances where a couple, a mother or father and child, or siblings, pass away many years apart. This is particularly so for parents who have the most difficult and unenviable task of burying their own child. In those situations it would be normal for parents to want to be buried together or alongside their child when their time comes. This bill has the potential to prevent this from happening.

I think most people in this situation would not care less about being issued a refund or offered an alternative burial site in another cemetery. I know I would not. All they would want is to be able to carry out what was first envisaged by them when they entered their agreement with the cemetery. Whilst the ability to have the already deceased person's remains exhumed and relocated to another cemetery in order to be laid to rest together may be an option for some, it would not be acceptable to many, particularly if they are of certain cultural or religious beliefs. I acknowledge that if a cemetery has been lawfully consecrated according to the rights or practices of a particular religious group, the owners of the land are obliged to offer the closed cemetery or burial ground as a gift to that group.

Further, the government has proposed an amendment that would require councils to provide the minister with details of any representations or submissions made to the council in respect of the closure. These are both steps in the right direction, but they do not, in my view, go far enough. Again, in the instance of parents who have buried their child or a partner who has lost their spouse, they may have no religious affiliations, but morally and ethically they may still strongly object to not being buried with their loved one or disturbing their loved one's final resting place.

Twenty-five years is not in the grand scheme of things a long time. Perhaps what ought to be reviewed is that time period. I understand that while similar provisions apply under the current act, none of our cemeteries have ever been converted to parklands, but I would be interested to know how many cemeteries these provisions could affect. Can the minister advise an estimate of the number of unexercised interment rights that could be refused burial on the basis that 25 years have passed since the last interment? Where cemeteries are closed and subsequently converted

to parklands or gardens, there is also the question of what happens to any memorials that are removed or replaced as opposed to being relocated.

In addition, I do not think that providing an inventory for public inspection goes far enough. I think that some sort of plaque, list or map ought to be erected at the park itself so that people are able to locate where their loved ones are buried. During my discussions with the minister's office, I suggested that perhaps GPS tracking technology could be used to map out individual gravesites when a cemetery is earmarked for closure and conversion to parklands. Since then, I have been advised by the minister's office that basically that technology is not sophisticated enough to pinpoint individual gravesites within a metre or so of each other.

The Hon. S.G. Wade: Technology might be improving.

The Hon. J.A. DARLEY: Sure. I would be grateful if the minister could elaborated on this a little further. The second issue relates to the 99-year limitation on interment rights. Under the bill, cemetery authorities will be able to offer perpetual tenure if they wish, but they will not be obligated to do so and may continue to issue interment rights with a limited tenure of five years.

I am pleased to see that the bill contains transitional provisions so that any interment rights granted before the commencement of the relevant provisions will be taken to have been granted under this act but, overall, I am still concerned about the uncertainty this bill would create, particularly when dealing with an issue as sensitive as death. As I said at the outset, I agree with having a single comprehensive regulatory regime for burial and cremation, and I do not intend to stand in the way of that. However, I think that it is important that consideration is given to the factors highlighted in order to ensure that we get the bill right.

I look forward to receiving clarification from the minister in relation to the points I have raised, and I also look forward to the committee stage debate. If I have the support, I will move to amend the provisions that relate to the closure of cemeteries so that they reflect a more appropriate time frame.

The PRESIDENT: The Hon. Mr Brokenshire will be heard in silence.

The Hon. R.L. BROKENSHIRE (17:46): Thank you, Mr President. This will not be a long second reading speech but, given that I talk slowly, it will take a few moments. I rise on behalf of Family First to support the second reading of the bill. From our perspective, one of the important aspects is the success of part of the Jayden's Law campaign embodied in this bill, which I will come to.

I thank the Hon. Stephen Wade for a good history lesson on cemeteries and his contribution on aspects of the bill. Burial and cremation have spiritual significance for many South Australians of various religious backgrounds. Anecdotally, I understand that cremations are increasingly popular, which to some extent will reduce the need for earth for burial in the future.

I want to talk about the removal of rights in criminal law. Family First shares the concerns the Hon. Stephen Wade has about self-incrimination in clause 59 of the bill, which relates to powers of authorised officers. Honourable members should look at every bill containing powers for authorised officers. Clause 59(1)(g) provides that authorised officers have the following power:

> ...require a person who the authorised officer reasonably suspects has knowledge of matters in respect of which information is reasonably required for the administration or enforcement of this Act to answer questions in relation to those matters;

Further to what the Hon. Mr Stephen Wade has said, it is not just an abrogation of the privilege against self-incrimination; it is an abrogation of the right to silence. I iterate the Hon. Mr Stephen Wade's concerns about the evidence for why we need this. We reserve our right to reject parts of clauses 59 and 61, subject to what the government says during the committee stage.

With respect to Jayden's Law, I put on the record that Family First has discussed with the government how to implement some of the desires of the Jayden's Law campaign. As my colleagues would know, Tarlia Bartsch from Port Lincoln lost her unborn child to stillbirth before 20 weeks (19 weeks, from memory) and has sought recognition in the form of a birth certificate. There is a bill before the parliament to debate that matter.

In the context of burial rights, the campaigners want some assurance that they will have the right to bury the remains of their child. Anecdotally, cemeteries are accepting the remains of children who have not met the legal definition of stillborn child, that is, after 20 weeks gestation. Clause 29 of the bill provides that 'human remains includes the remains of a human foetus (other

than a still-born child)'. We welcome that and congratulate the government for making it clear at law that cemeteries can receive those remains. I understand from a briefing I had with the Cemeteries Authority's CEO that in practice it does occur in any case, but it is good to put it in legislation.

Members have received lobbying on natural burial which we are sympathetic to and we will consider that at committee stage. In relation to graves in perpetuity, the Hon. Mr Stephen Wade has spoken about accepting the 2003 committee recommendations on abolishing 99-year limitations on interment rights, bringing us into line with other states. We have some facts on this issue to illustrate the merits of that arrangement.

The Adelaide Cemeteries Authority has discontinued 546 plots in the Cheltenham Cemetery due to non-payment of lease fees and none in Enfield Memorial Park, West Terrace Cemetery or Smithfield Memorial Park. They note that 30 per cent of those plots in the Cheltenham Cemetery never had a headstone erected. With the number of lease renewals required at Cheltenham Cemetery now up to 7,639 for 2013—up from 6,438 in 2010—only 42 renewals have been paid, which equates to just 5.49 per cent.

Enfield Memorial Park has 3,023 lease renewals due but only 25 were paid this year to date, and historically the renewal levels have tracked down in the last three years from 11.31 per cent to 6.23 per cent. West Terrace Cemetery has 19,000 expired leases but, at most, 29 were paid in any given year in the last four. Those figures demonstrate that there is merit in perpetual leases as very few are being renewed in practice, and I am told that in practice the cemeteries are not looking to enforce it.

Plots can of course be re-used by exhuming the remains, repositioning them deeper at what the cemeteries call the dedicated ossuary level, then burying someone else on top. I conclude my remarks with the cemetery for the south and I place on record that Family First desire, and will continue to put effort into seeing, a cemetery planned and erected somewhere in the south. People want to see that occur.

I met with the Cemeteries Authority after obtaining the information I have referred to under FOI, and I am comfortable with their policy on these matters. With those comments and some concerns about the powers that exceed police powers, we support the second reading and reserve our options to support amendments to the bill during the committee stage.

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (17:52): I thank honourable members for their contributions in this debate. I note that there have been some very important questions asked and I look forward to the minister coming back at clause 1 on another day to answer those questions. With that, I commend the bill to the house.

Bill read a second time.

STATUTES AMENDMENT (ATTORNEY-GENERAL'S PORTFOLIO) (NO. 2) BILL

Second reading.

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (17:54): 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 *Statutes Amendment (Attorney-General's Portfolio) Bill 2013* makes various amendments to rectify a number of outstanding technical issues that have been identified by affected agencies and interested parties in various Acts committed to this portfolio.

In administering legislation, it is routine to have agencies and interested parties raise administrative and legal issues that they have encountered.

Specifically, the Bill makes the following amendments:

Strata Titles Act 1988 / Community Titles Act 1996

The Bill amends the *Strata Titles Act 1988* to provide that the articles of a strata corporation must not prevent an occupier of a unit who has a disability (as defined in the *Equal Opportunity Act)* from keeping an assistance animal or from keeping a therapeutic animal (as defined in the *Equal Opportunity Act)* that has been

certified by the person's general practitioner as being required to assist that person as a consequence of their disability.

Currently, schedule 3 of the *Strata Titles Act 1988* prescribes replaceable articles for strata corporations to govern the management of strata schemes. A corporation may alter or substitute these articles by agreement. Clause 4 of the replaceable articles states that a person bound by the articles must not keep any animal in, or in the vicinity of, a strata unit without the consent of the strata corporation.

In recognition that some people require animals such as guide dogs to assist with a disability, s 19(4) of the Act states that the articles cannot prevent an occupier who is blind or deaf from keeping a guide dog at the unit. This current prohibition is outdated in referring only to guide dogs for blind and deaf persons.

The Bill also amends the *Community Titles Act 1996* in similar terms.

Clarification of Statutory Defence for Child Pornography offences

Modern investigative considerations in dealing with offences involving child pornography have highlighted problems in the current statutory defence for such offences. Concerns have been expressed by SAPOL and the Education Department that the existing defence in s 63C(2) *Criminal Law Consolidation Act 1935* is inadequate and could even unwittingly frustrate legitimate and proper law enforcement and child protection.

Section 63C(2) presently provides that 'no offence is committed against this Division by reason of the production, dissemination or possession of material in good faith and for the advancement or dissemination of legal, medical or scientific knowledge.' This defence is too restrictive. It is unclear whether such legitimate purposes as law enforcement, acting in the administration of the criminal law and the provision of legal advice or child protection would fall within this definition. It is important in an area such as this, that the actions of police officers and others within the criminal justice system and education and child protection sectors be not left in uncertainty. It is appropriate that any statutory defence should include both legitimate law enforcement and acting within the administration of criminal justice purposes and the reasonable provision in good faith for child protection or legal advice. There will be variety of circumstances in which otherwise under the present law an offence might in theory even be committed by police officers or others within the criminal justice system and education and child protection sectors acting reasonably and in perfect good faith and in accordance with their professional duties.

The Bill therefore clarifies that the statutory defence is available to police officers or other law enforcement officer acting in the course of his or her duties; or any other person such as prosecutors or judicial officers acting in the course of his or her duties in the administration of the criminal justice system and to persons such as teachers, defence lawyers or those in the child protection sector who act reasonably and in good faith for the purpose of providing genuine child protection or legal advice.

The defence should be applied sensibly and cautiously by the courts to ensure that it does not open the door to spurious claims by offenders that they are acting in good faith for the purpose of providing genuine child protection or legal advice. Any claim can expect to be very closely scrutinised and subjected to a healthy degree of scepticism, especially if made by an individual who is not a defence or prosecution lawyer, judicial officer, law enforcement officer or child protection officer acting in the proper course of their professional duties. The courts are in the best position to make a determination as to whether someone falls within the clarified defence.

This clarification of the statutory defence is appropriate and strikes the proper balance in this area. The proposed defence mirrors similar defences that already exist elsewhere such as in Western Australia, New South Wales or the Commonwealth.

Criminal Law (Sentencing) Act 1988

The Bill makes minor amendments to the *Criminal Law (Sentencing) Act 1988* to clarify who the applicable Minister is. The Act presently contains a number of references to the role and powers of a Minister. Such changes to the Act will assist in future machinery of government changes if the applicable Ministerial titles should change.

The Bill also effectively reinserts section 10(3a) of the *Criminal Law (Sentencing) Act 1988*, introduced by the *Statutes Amendment (Serious Firearms offences) Act 2012*, and unintentionally removed when the *Criminal Law (Sentencing) (Guilty Pleas) Amendment Act 2012* came into operation on 11 March 2013.

The provision ensures paramount consideration is given to the need for general and personal deterrence in sentencing, emphasising the need for public protection.

District Court Act 1991, Supreme Court Act 1935

Once the *Statutes Amendment (Courts Efficiency Reforms) Act 2012* comes into effect, the Chief Magistrate will be taken to have been appointed as a judge of the District Court. The responsibilities and workload of the position of Chief Magistrate are such that the holder should be entitled to the status of a District Court Judge.

Consistent with the *Statutes Amendment (Courts Efficiency Reforms) Act 2012*, the *District Court Act 1991* is amended to provide that a person appointed as the Chief Judge of the District Court will also be appointed as a Justice of the Supreme Court. As is the case with the Chief Magistrate, the responsibilities and workload of the position of Chief Judge are such that the holder is entitled to the status and conditions of a Justice of the Supreme Court. This will help ensure that the best candidates for this vital role are available. An existing Supreme Court judge might prove to be the most suitable candidate for the position of Chief Judge. Accordingly, the Bill allows a Justice of the Supreme Court to be assigned as the Chief Judge of the District Court.

During any such appointment, the Chief Judge, whilst enjoying concurrent appointment as both a Supreme Court judge and the Chief Judge, would not be able to perform any of the duties or exercise the functions of a judge

of the Supreme Court, unless at the request of the Chief Justice. This provision will provide the courts with more flexibility (requiring appropriate specifications) in their approach to changing and allocating workloads between the courts.

The Bill also amends the *District Court Act 1991* and the *Supreme Court Act 1935* in response to concerns raised that there is no provision in either the *District Court Act 1991* or the *Supreme Court Act 1935* for an acting Chief Judge/Chief Justice in the event the office of the Chief Judge/Chief Justice become 'vacant'.

Currently, both Acts make provision for an acting Chief Judge/ Chief Justice only if the Chief Judge or Chief Justice are absent. The amendments moved extend this to circumstances where the offices of the Chief Judge and Chief Justice become vacant.

Supreme Court Act 1935, District Court Act 1991 and the Magistrates Court Act 1991

The Bill amends the *Supreme Court Act 1935* to allow records of 100 years or older, held by the Supreme Court, open to public access. This change is in response to a request from the Friends of South Australia's Archives and will assist historical research. The *Supreme Court Act 1935* currently restricts access to old Supreme Court records. Section 131 of the Act was amended in 1995, court material previously considered to be open access, now falls within the restricted terms outlined in section 131.

Due to storage problems in the Court, many Supreme Court records have been deposited in the State Records Office. Accordingly, whereas before a person could go to the State Records Office and inspect or copy the material at no cost, they now need to go to the Court and the records are recalled to the Court so an assessment can be made as to whether the records fall within the terms of section 131. It is understood that this process is onerous and involves transportation of what is often old and fragile documents.

For consistency, the Bill also amends the *District Court Act 1991* and the *Magistrates Court Act 1991*.

Evidence Act 1929

The Bill also makes a minor change to the *Evidence Act 1929* to allow the maintenance of audio visual records in electronic files to be dictated by the Rules of the court. This will ensure staff of the Courts Administration Authority can carry out the duties whilst adhering to the Rules of the relevant court.

Police (Complaints and Disciplinary Proceedings) Act 1985

The Bill makes several changes to the *Police (Complaints and Disciplinary Proceedings) Act 1985*. The first change relates to investigations undertaken by the Police Complaints Authority and clarifies their discretion to refuse to investigate a complaint at the outset and refuse to continue to investigate a complaint.

The second change is to s 19 of the *Police (Complaints and Disciplinary Proceedings) Act 1985* to allow 'preliminary' investigations of complaints to be conducted. Preliminary investigations offer an effective tool for case management and are a beneficial means of obtaining important information to determine whether a complaint should be formally investigated in accordance with s 21. Both the Police Complaints Authority and SAPOL advise that this has been the established practice. However, the present Act does not strictly authorise preliminary investigations. There is a need to clarify this situation.

Finally, all references to the 'internal investigation branch' in the *Police (Complaints and Disciplinary Proceedings) Act 1985* are updated to reflect the unit's current name of 'internal investigation section'.

Graffiti Control Act 2001

The Bill rectifies a minor oversight in the recent Graffiti (Control Miscellaneous) Act 2012 and replaces the term 'cans of spray paint' with the correct term, 'graffiti implements'. The Bill further clarifies the operation of s 7(5) of the Graffiti Control Act 2001 in respect of the proof of identity to be produced by an authorised person.

Summary Offences Act 1953

The Bill also amends s 67 of the Summary Offences Act and the Schedule of the Act to correctly refer to Schedule 1 of the Act.

Spent Convictions Act 2009

Finally, the Bill amends the *Spent Convictions Act 2009* to rectify an error in an amendment brought about in the *Spent Convictions (Miscellaneous) Amendment Act 2013* ('the Amendment Act'). This error would (once the Amendment Act commences) result in a court not being able to have access to a defendant's full criminal history. In particular, convictions where a sentencing court has ordered that no conviction be recorded.

It is vital that courts are aware that an offender has previously been given the benefit of no conviction being recorded, otherwise a court may make this choice in sentencing a second or third time without realising. Furthermore, in some cases a penalty is increased when the conviction is for a second offence. Again, the courts need to be aware if a person has previously committed an offence, regardless of whether a conviction was recorded or not.

The amendment rectifies this problem and ensures that where no conviction is recorded, the history will be disclosed in the circumstances set out in clauses 1, 3 and 4 of Schedule 1 to the *Spent Convictions Act 2009*. In practice, this will means that the Director of Public Prosecutions and South Australia Police will still be able to obtain the criminal histories for sentencing (under Clause 1) and provide them to the Court. The Court will also be entitled to use the criminal history in sentencing (under Clause 3) and once a sentence is completed then under Clause 4, the Parole Board will be able to consider the full criminal history in determining any release on parole.

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Community Titles Act 1996*

4—Amendment of section 37—Restrictions on the making of by-laws

The proposed amendments will prohibit the making of a by-law that would prevent an occupier with a disability from keeping an assistance animal or therapeutic animal on the lot or that would restrict the use of an assistance animal or therapeutic animal by the occupier if the animal is trained to assist the occupier in respect of the disability.

Part 3—Amendment of *Criminal Law Consolidation Act 1935*

5—Amendment of section 63C—Pornographic nature of material

The proposed amendments to section 63C would insert 2 new subsections that would provide that no offence is committed against Part 3 Division 11A (*Child pornography and related offences*) by reason of the production, dissemination or possession of material in good faith by a police officer or other law enforcement officer acting in the course of his or her duties or any other person acting in the course of his or her duties in the administration of the criminal justice system; or by reason of the production, dissemination or possession of material in good faith by a person acting reasonably for the purpose of providing genuine child protection or legal advice.

Part 4—Amendment of *Criminal Law (Sentencing) Act 1988*

6—Amendment of section 3—Interpretation

These amendments are of a technical nature and will assist in future machinery of government changes if ministerial titles were to change.

7—Amendment of section 10—Sentencing considerations

The proposed amendment is of a technical nature to reinsert former section 10(3)(a) of the *Criminal Law (Sentencing) Act 1988*, which was inserted by the *Statutes Amendment (Serious Firearms Offences) Act 2012* but unintentionally deleted by the *Criminal Law (Sentencing) (Guilty Pleas) Amendment Act 2012*.

Part 5—Amendment of *District Court Act 1991*

8—Amendment of section 11—Chief Judge

This amendment is consequential on the insertion of section 11AA.

9—Insertion of section 11AA

New section 11AA is to be inserted after section 11 of the principal Act as the last section of Division 1 of Part 3.

11AA—Acting Chief Judge

New section 11AA provides that the Governor may appoint an Acting Chief Judge if the Chief Judge is absent or, for any reason, is unable for the time being to carry out the duties of the office, or if the office of the Chief Judge becomes vacant. Any power or duty attached to the office of Chief Judge devolves (during the absence or inability of the Chief Judge, or until the vacancy is filled) on the Acting Chief Judge, or, if no Acting Chief Judge is appointed, on the most senior of the other Judges available to undertake those responsibilities.

10—Insertion of section 11A

New section 11A is to be inserted before section 12 of the principal Act as the first section of Division 2 of Part 3.

11A—Appointment of Chief Judge

New section 11A provides that the Chief Judge is—

- a Judge of the Supreme Court assigned by the Governor, by proclamation, to be the Chief Judge; or
- a legal practitioner of at least 10 years standing or a District Court Judge appointed by the Governor to be the Chief Judge.

Certain provisions in new section 11A relate to a Judge of the Supreme Court *assigned* to be the Chief Judge. They include proposed subsection (2), which provides that before a Judge of the Supreme

Court can be assigned to be the Chief Judge, the Attorney-General must consult with the Chief Justice of the Supreme Court about the proposed assignment. Furthermore, a Judge of the Supreme Court assigned to be the Chief Judge ceases to be the Chief Judge if the person ceases to be a Judge of the Supreme Court.

The remuneration and conditions of service of a Judge of the Supreme Court assigned to be the Chief Judge will be the same as if he or she had not been so assigned and his or her service as the Chief Judge will be regarded as if it were service as a Judge of the Supreme Court.

The Governor may, by proclamation, made at the request or with the consent of a Judge of the Supreme Court assigned to be the Chief Judge, revoke the assignment of that Judge.

New section 11A also makes provision in relation to a person *appointed* as the Chief Judge. A person so appointed will be taken to have been appointed as a Judge of the District Court (if he or she is not already a Judge of the District Court) and as a Judge of the Supreme Court of South Australia. The retirement, resignation or removal from office of such persons is provided for. Proposed subsection (10) makes particular provision in relation to the resignation of a person appointed as the Chief Judge from multiple offices.

Certain provisions relate to the office of Chief Judge generally. It is provided that the Chief Judge may not perform the duties, or exercise the powers, of a Judge of the Supreme Court, unless the Chief Justice of the Supreme Court, with the consent of the Chief Judge, assigns the Chief Judge to perform the duties and exercise the powers of a Judge of the Supreme Court for period determined by the Chief Justice.

In addition, the new section provides that the office of Judge of the Supreme Court is the primary judicial office of the Chief Judge.

11—Amendment of section 12—Appointment of other judicial officers

12—Amendment of section 13—Judicial remuneration

The amendments proposed to sections 12 and 13 are consequential on the insertion of new section 11A.

13—Amendment of section 54—Accessibility to Court records

The proposed amendments would allow a person to have access to Court material (specified in section 54) if 100 years have passed since the end of the calendar year in which the material became part of the Court's records. Section 26 of the *State Records Act 1997* would apply to such records in the custody of State Records. Other records (for example, those still in the custody of the Court) would be accessible without the need to seek the permission of the Court.

Part 6—Amendment of *Evidence Act 1929*

14—Amendment of section 13C—Court's power to make audio visual record of evidence of vulnerable witnesses in criminal proceedings

The proposed amendments would allow the rules of court to regulate access to, and responsibility for, an audio visual record in the custody of the court. Currently, court officials are responsible for the custody of such records and access is restricted to those officials only.

Part 7—Amendment of *Graffiti Control Act 2001*

15—Amendment of section 7—Appointment and powers of authorised persons

The proposed amendment to section 7(2) is a technical amendment necessary to correct an omission in the *Graffiti Control (Miscellaneous) Amendment Act 2013*.

The proposed amendment to section 7(5) is a technical amendment that reflects the fact that an identity card only need be produced by a police officer who is not in uniform or an authorised person who is not a police officer.

Part 8—Amendment of *Magistrates Court Act 1991*

16—Amendment of section 51—Accessibility to Court records

This amendment keeps section 51 of this Act consistent with the equivalent provisions in the *District Court Act 1991* and *Supreme Court Act 1935*.

Part 9—Amendment of *Police (Complaints and Disciplinary Proceedings) Act 1985*

17—Amendment of section 3—Interpretation

The proposed amendment will substitute the definition of *internal investigation branch* with *Internal Investigation Section* or *IIS*. This reflects the actual name of the section in SA Police.

18—Substitution of heading to Part 3

19—Amendment of section 13—Constitution of Internal Investigation Section

20—Consequential amendments to Act

The above amendments are consequential on the amendment to section 3.

21—Amendment of section 19—Action on complaint being made to Ombudsman

The proposed amendment would allow the Police Ombudsman to undertake a preliminary inquiry in relation to a complaint.

22—Amendment of section 21—Determination by Ombudsman that investigation not warranted

The proposed amendment would permit the Police Ombudsman to refuse to entertain, or continue to investigate, a complaint on certain grounds, such as if the complaint is trivial, frivolous, vexatious or not made in good faith, or if the complainant lacks sufficient standing to make the complaint, or if the investigation or continuance of the investigation of the complaint is unnecessary or unjustifiable.

Part 10—Amendment of *Spent Convictions Act 2009*

23—Amendment of section 13—Exclusions

These amendments are of a technical nature connected to the *Spent Convictions (Miscellaneous) Amendment Act 2013*. The amendments to section 13 by that Act would result in justice agencies, designated judicial authorities and the Parole Board not being able to access findings treated as a conviction under section 3(5) of the *Spent Convictions Act 2009* but where no conviction is recorded. The amendments in the Bill would enable those agencies and authorities to have access to such information on an offender's criminal history.

Part 11—Amendment of *Strata Titles Act 1988*

24—Amendment of section 3—Interpretation

These amendments are consequential on the proposed amendment to section 19.

25—Amendment of section 19—Articles of strata corporation

The proposed amendments are consistent with the proposed amendments to the *Community Titles Act 1996* and also incorporate what is currently in section 37 of that Act in relation to visitors. The proposed amendments to section 19(5) are drafted on the assumption that section 49 of the *Statutes Amendment (Community and Strata Titles) Bill 2012* will come into operation before this measure.

Part 12—Amendment of *Summary Offences Act 1953*

26—Amendment of section 67—General search warrants

27—Substitution of heading to Schedule

These amendments are of a technical and clerical nature only and make no substantive change.

Part 13—Amendment of *Supreme Court Act 1935*

28—Substitution of section 10

This clause substitutes section 10.

10—Acting Chief Justice

Substituted section 10 provides that the Governor may appoint a puisne judge of the court to be the Acting Chief Justice if the Chief Justice is absent or, for any reason, is unable for the time being to carry out the duties of the office, or if the office of the Chief Justice becomes vacant. Any power or duty attached to the office of Chief Justice devolves (during the absence or inability of the Chief Justice, or until the vacancy is filled) on the Acting Chief Justice, or, if no Acting Chief Justice is appointed, on the most senior of the puisne judges available to undertake those responsibilities.

29—Amendment of section 131—Accessibility to court records

This amendment keeps section 51 of this Act consistent with the equivalent provisions in the *District Court Act 1991* and *Magistrates Court Act 1991*.

Debate adjourned on motion of Hon. S.G. Wade.

ADVANCE CARE DIRECTIVES BILL

The House of Assembly agreed to the amendments made by the Legislative Council without any amendment.

At 17:55 the council adjourned until Thursday 11 April 2013 at 14:15.