LEGISLATIVE COUNCIL

Wednesday 1 May 2013

The PRESIDENT (Hon. J.M. Gazzola) took the chair at 14:19 and read prayers.

LEGISLATIVE REVIEW COMMITTEE

The Hon. G.A. KANDELAARS (14:20): I bring up the 25th report of the committee.

Report received.

QUESTION TIME

MARINE PARKS

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:21): I seek leave to make a brief explanation before asking the Minister for Sustainability, Environment and Conservation a question about displaced effort in commercial fisheries.

Leave granted.

The Hon. D.W. RIDGWAY: Industry has been advised that the government hopes to have the voluntary component of the buyback process completed by 2013—and this is to do with marine parks. The industry has had involvement in drafting a voluntary component of the buyback process to date, and this component and process have been facilitated not only by the minister's department but also the other minister's department.

In order for the fishers to make an informed choice and decision regarding whether or not to participate in the voluntary component of buyback, it is only logical that they must have as much information as possible regarding other and linked aspects of the process which may impact on them if they choose not to participate in the voluntary component of the buyout.

The last information received by the commercial fishing industry in relation to compensation to displaced commercial fishing effort was provided to the industry in April 2011, and it was a document entitled 'Marine Parks' and 'Displaced commercial fishing: policy framework: South Australian government, 2011', and they have not heard anything else since that time. Obviously, there has been a change of minister since that information was provided. My questions to the minister are:

1. Will there be a reconfirmation from the government regarding the provisions for compensation of displaced commercial fishing effort?

2. What is the status of the draft of any regulations required for the compensation of displaced commercial fishing effort?

3. The voluntary part of the process is being facilitated by PIRSA and industry, we have been led to believe, and I am certain that the compulsory component will be facilitated by DEWNR. Is this true, and why are the two agencies facilitating different parts of the same process?

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): I thank the honourable member for his questions and, given that they pertain largely to my portfolio responsibilities, I am happy to answer them.

The government is obviously very committed to ensuring that marine parks protect our marine environment, while at the same time seeking to minimise the impact on our state's very valuable commercial fisheries. Of course, we are also very keen to make sure that we keep our recreational fishers happy as well; they are very important people and it is a very important pastime.

To this end, the government has kept its commitment that marine parks will have less than 5 per cent of its economic impact on the state's fishing industry, and this is measured as impact on the statewide annual gross value of production (GVP). To achieve this, the government sought to minimise the overlap of high conservation marine park zones with important fishing grounds, and I am advised that the estimated impact on the commercial fishing industry, based on the final marine park zones approved at the end of November 2012, is 1.7 per cent of statewide commercial fishing gross value of production (GVP). I am aware that the final SARDI estimates of displaced

commercial fishing activity took into account additional fishing industry-supplied data, and that these estimates are available on the SARDI website. I have alluded to these in the past.

The government's longstanding position has been one of utilising—and we have communicated this extensively with the industry—the following sequential steps for managing displaced effort:

- avoid displacement by pragmatic zoning;
- redistribute effort only where possible, without impacting ecological or economic sustainability of the fishery;
- a market-based buyout of sufficient effort to avoid negative impacts on the fishery; and
- compulsory acquisition as a last resort only.

I have been advised by PIRSA that its assessment is that compulsory acquisition will not be required. PIRSA believes it will be able to meet displaced effort requirements within the voluntary approach.

In light of the need to manage future fisheries-related issues, the catch/effort reduction program will be administered by PIRSA, and I have been advised by my department that the fishing industry is currently being consulted on that draft plan before it is finalised. Industry feedback will be considered for further development of the plan prior to its release for implementation, and all affected licence holders will be formally informed and invited to participate in that voluntary program.

The government has adopted the estimations produced by SARDI as the best available data. It also takes into consideration information provided by the fishing industry. The fishing industry was extremely cooperative in working with us, and I want to acknowledge its efforts and input to this state. Its detailed fishing efforts enabled us to refine and apply a more accurate approach to displaced effort.

Most recently, PIRSA has also met individually with those associations who have taken up the opportunity to have input into the plan. The draft plan focuses on providing an opportunity for commercial fishers to offer licences and entitlements for surrender. Ex gratia payments will be made in consideration of those licences and entitlements surrendered—if accepted, of course—and licences and entitlements available for transfer through brokers on the open market will also be considered.

I am confident that my department will continue to work with commercial fishers as the marine park management plans are implemented to deliver effective conservation outcomes for the South Australian marine environment while, as I said, minimising impacts on commercial fishers. SARDI has published reports—which are available online, as I have said in this place before—to estimate the historic catch and effort for commercial fishers in the final marine park sanctuary and habitat protection zones. Those are publicly available.

PIRSA will take responsibility for coordinating the voluntary efforts for displacement. It has been involved with the fishers and has a close relationship with them, because of its previous involvement and responsibilities in terms of the fishing sector. They have, if you like, been closer to the detailed information needed to make these assessments, and they are really just carrying on with that work. If any compulsory acquisition would need to be done it would, I think, require regulatory or legislative input. That would be a matter for the Minister for Environment; he would have the carriage of that.

MARINE PARKS

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:29): My first supplementary question concerns information that industry has been provided with, which was April 2011. The industry has informed me in the last 10 days that that was the last information they received. Is that still the current information that PIRSA has provided to them?

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): I have just outlined all the discussions—

The Hon. D.W. Ridgway: No, you haven't. It is a simple question: is this the current document?

The Hon. G.E. GAGO: —all the discussions and the dialogue in terms of the plan and the input to that plan that have been taking place for some time, and continue to take place. That is—

The Hon. D.W. Ridgway interjecting:

The Hon. I.K. Hunter: He wasn't listening.

The Hon. G.E. GAGO: They don't listen, Mr President; they come into this place and they just simply don't listen. I have already outlined the work that has been done around the plan. I have gone into considerable detail talking about—they are currently being consulted on the draft plan before it is finalised. Industry feedback is going to be considered. The government has met with individual associations around that. Various discussions and dialogues have continued with the industry over a number of years. I am just not too sure why the honourable member does not wash out his ears and listen to the information that is given.

MARINE PARKS

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:31): A further supplementary question: if PIRSA staff and officials are best placed to deal with the voluntary buyback because of their close relationship and understanding of the industry, why then aren't they also the best people to handle the compulsory compensation?

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) (14:31): It has also come to my attention that meetings with each sector have been occurring in April, and a draft reduction plan was put out in March. That is the further advice that I have received. So—

The Hon. D.W. Ridgway: This has not been updated since 2011; that's your problem.

The Hon. G.E. GAGO: The dialogue continues, discussions continue; it is a moving feast. In relation to the compulsory acquisition, it has been determined that DEWNR is best placed, it is more consistent with their policy area—

Members interjecting:

The Hon. G.E. GAGO: Ah yes, it is the Marine Parks Act. That is why the Minister for Environment would have carriage of compulsory acquisition. It has a clause stating that the Minister for Environment is responsible for the compulsory buyback component. But, I can assure all honourable members that it does not matter which minister has carriage of which component; we are both incredibly competent ministers, we have very good agencies and very competent—

The Hon. I.K. Hunter: We work closely together.

The Hon. G.E. GAGO: We do work very closely together. We are at one—we are at one with these matters. We are able to balance the environmental values and issues with commercial fishing activities, and I think we do that extremely well. Both of our agencies are full of incredibly hardworking and competent people, and I will absolutely—

The Hon. D.W. Ridgway interjecting:

The Hon. G.E. GAGO: I can absolutely assure you that both components will be done extremely well. As I have already indicated in this place, the advice is that we will not be requiring to go down the path of compulsory acquisition. All the advice—even if you talk to the industry, which obviously the Hon. David Ridgway does not bother to do, but if he did discuss it with the industry, the industry is also saying that it is very unlikely that compulsory acquisition would be needed because there is enough interest in the industry.

Of course, not only does the Hon. David Ridgway not bother to listen to information that is exchanged in this place, he does not bother to talk to the industry and have any idea about what is going on out there.

The PRESIDENT: A further supplementary, Ms Lensink.

MARINE PARKS

The Hon. J.M.A. LENSINK (14:33): When will the guidelines on compulsory acquisitions be released?

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) (14:34): Compulsory acquisitions? They just doze off over there, Mr President. What a dozy lot of opposition—what a dozy lot, Mr President. We have just outlined that not only does the PIRSA agency assessment believe that compulsory acquisition will not be required, but the industry doesn't believe it will be required either, Mr President. It is highly unlikely that it is needed.

We are pursuing voluntary acquisition, and a great deal of work has been done in that space. That is what we are going to focus our attention and efforts on for the time being. If and when we believe that there is a need to look further at compulsory acquisition, I am sure that the Minister for Environment will do so expeditiously.

PERPETUAL LEASES

The Hon. J.M.A. LENSINK (14:35): I seek leave to make a brief explanation before asking the Minister for Sustainability, Environment and Conservation a question about perpetual leases.

Leave granted.

The Hon. J.M.A. LENSINK: Perpetual leases can be surrendered and purchased as freehold but cannot be transferred. I understand that once land is classified as freehold the owner is then able to subdivide or transfer land at their own will. However, in order for the land to be purchased as a freehold title, the purchaser must complete an application and organise an adequate survey of the land at their own cost.

The government's policy on waterfront perpetual leases, where the landowner wants to surrender and purchase the same lease under a freehold title, now requires the landowner to surrender 'an adequate waterfront reserve'—with 'adequate' meaning a strict not less than 50 metres in width from the high watermark, pool level or cliff top. Will the minister answer the following:

1. Why are owners forced to undergo a vigorous and costly process in order to be able to transfer land?

2. Why do they have to pay for a survey of the land that they also risk losing without compensation?

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): I thank the honourable member for her most important questions in relation to freeholding of perpetual lease land. I understand that there is a requirement for the applicant to provide for adequate waterfront reserve. That is to protect the front part of the land from encroaching problems from rising waters, if it is the river, or encroachments from sea level changes. There has been an awful lot of public concern recently about bank collapses along the River Murray, and you don't have to go too far around the state to talk to people who have concerns about coastal erosion.

In the situation of perpetual leases, I think it is only proper that the government, in reconsidering the status of the land holding, provides for future changes in the local environment.

FRUIT FLY

The Hon. S.G. WADE (14:37): I seek leave to make a brief explanation before asking the Minister for Agriculture, Food and Fisheries questions about fruit fly protection.

Leave granted.

The Hon. S.G. WADE: I am advised that there have been more than 200 outbreaks of Queensland fruit fly in exclusion zones in New South Wales and Victoria over the past year. At the end of March 2013, Queensland fruit fly larvae were found in peaches bought at two South Australian supermarkets, one in Northgate and one in Victor Harbor. The peaches, I am advised, were grown in northern Victoria.

The first outbreak of the season in South Australia was declared after detection of a fertile female Mediterranean fruit fly in a trap on 17 April; five days later, Biosecurity SA found nine Mediterranean fruit flies trapped at Woodville Gardens. Given that Biosecurity SA has stated that it expects only eight to nine single fly detections a year, to find nine in one trap is a significant

concern. I ask the minister: given the significant increased level of detections, what action is the government taking to respond to this risk and maintain our fruit fly protection?

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) (14:39): I thank the honourable member for his most important question. Indeed, the Victorian and New South Wales governments announced in late August or September 2012 proposals to deregulate the Queensland fruit fly in their respective jurisdictions, and I have talked about it in this place before. In fact, I think I have answered an almost identical question on this previously, but that is okay.

The Hon. J.S.L. Dawkins: They're never identical questions because it keeps moving on, unlike you.

The Hon. G.E. GAGO: They're so close it doesn't matter. The Victorian DPI has advised industry that maintaining the current pest-free area in the Sunraysia area and establishing new pest-free areas in Victoria will be on a cost-share basis. The deregulation decisions are believed to be in response to the establishment of populations of Queensland fruit fly in areas outside the pest-free zones in Victoria and New South Wales, where it has not occurred previously. While Queensland fruit fly numbers in some of those areas remain low, ongoing regulation of these as pest-free areas outside Sunraysia is no longer considered technically or financially justified.

The Victorian industry has obviously lobbied the Victorian government to maintain a high level of fruit fly activity, and in Victoria, because of the costs associated, they said that the industry would need to contribute to those costs. My understanding is that the industries in Victoria and Queensland were not prepared to do that, so deregulation occurred.

South Australia is very proud of its fruit fly free status, and we are the only jurisdiction to be able to claim that. We can do so because of a number of measures we put in place in this state to maintain that protection, and those things are well established in this place in terms of the biosecurity controls, our roadblocks, our grid trapping and monitoring techniques and the way fruit is monitored and intercepted coming across borders.

So, a range of biosecurity measures have been very effective in the past at maintaining our fruit fly free status, and they continue to be effective. We notice that the prevalence of fruit fly from both Queensland and Victoria has been increasing over the last number of years, yet it does not appear that that has resulted in any increased infestations in this state. In fact, the current infestations recently notified included the outbreaks in the Kilburn area and vicinity. There have been a number of findings. These are Mediterranean fruit fly, which are from the west and are not associated, I am advised, with the Queensland and Victorian fruit fly, which is a different species.

We are the only mainland state jurisdiction to maintain a fruit fly free status (Tasmania also has one, so I correct the record). The current infestations are Mediterranean fruit fly, which are from the west and our monitoring systems have successfully picked them up. We are investigating a supply chain from where they could possibly have arrived, and our officers are working through strategies to check where any breaches may have occurred. The two obvious ones are from the west by road and/or rail, and both vectors are being scrutinised very carefully to determine where those breaches could have occurred.

Our fruit fly strategies and programs have worked very successfully in the past; they continue to be very successful in protecting our status and there is enough flexibility in our programs to ensure we are able to shift and move programs to where they are needed, and we will continue to do that. We believe that our current programs are satisfactory to continue to meet the protection of our very important stone fruit industry.

WOMEN IN LEADERSHIP

The Hon. R.P. WORTLEY (14:45): I seek leave to make a brief explanation before asking the Minister for the Status of Women a question regarding international students.

Leave granted.

The Hon. R.P. WORTLEY: Education Adelaide's Women in Leadership event invites international students to meet with parliamentarians and to enjoy a tour of Parliament House. My question is: can the minister advise us about the Women in Leadership event that was held this morning?

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) (14:46): I thank the honourable member for his most important question. Indeed, this morning I was very pleased to host the Education Adelaide's Women in Leadership event for international students. The students come from a wide cross-section of different countries, and these students are undertaking, or about to undertake, their studies in one of the universities.

Education Adelaide works to promote Adelaide as a centre of education excellence, and it highlights the many advantages for international students who choose to live, study and work in Adelaide. I have been very pleased to be involved with this event since its inaugural function, which was held in 2011, and I have been delighted to be able to speak to students during those past three years. These amazing women come from all different walks of life, and they are all highly successful in their field and are obviously working hard to further that. They bring a wealth of experience and insight. I have to say that I get a lot out of spending time with this particular group.

I am advised there were just over 28,000 international student enrolments in South Australia in 2012, and approximately 4,000 of these students reside in the Adelaide CBD. Women make up 46 per cent of all international students in Adelaide and, as the Minister for the Status of Women, I am passionate about ensuring that women are given the opportunity to participate as leaders in whatever field they might choose.

A number of surveys reported that international students achieve excellent employment outcomes and further study opportunities after they graduate with an Australian qualification. These surveys show that many international students educated in Australia have returned home to assume significant leadership in either government or industry whilst continuing to be strong advocates and ambassadors for Australia and maintaining often very close relationships with Australia and South Australia.

This is a relationship that flows in both directions. International students provide South Australia with significant economic benefits. I am advised that international education contributed $863 million in export earnings to the state in 2011-12. This contribution is not just in the form of student fees; it includes goods and services consumed by international students. According to ABS national data, around 50 per cent of the earnings are directed into the broader economy.

Besides economic benefits, just as important, if not more so, are the social and cultural contributions students make whilst they study here. International students add an incredible degree of energy, diversity and vibrancy to our communities. They increase ideas, experiences and ways of seeing the world in our community and, by doing so, they bring to us a much greater understanding of the wider world. I think it not only increases our understanding of different cultures and different ideas but also helps cultivate a greater degree of tolerance and understanding generally.

I was pleased to be able to share with the students today my journey into politics. I was also able to speak to them about some of the fantastic achievements of the Jay Weatherill government and our accomplishments for women from educating and training South Australian women via scholarships such as the AICD governance training I have mentioned in this place before through to the implementation of our intervention order legislation. There was quite a bit of interest in that.

I also spoke about the enshrined flexible work and leave arrangements in the public sector. For some of these women and the societies they come from, they just cannot believe that our Public Service actually has enshrined in legislation entitlements around access to flexible working arrangements. We are inclined to take these things for granted and, talking to a cross-section of international students, it is clear that this is something we should be very proud of.

I was pleased to be able to share with students so that they were aware that they have obviously come to a place that respects women's rights and believes profoundly in their potential. I certainly look forward to being updated with their progress as they settle into our community. I wish them all the very best with their academic goals while they stay here in Adelaide and I wish them every success in all their future pursuits.

FAMILIES SA

The Hon. A. BRESSINGTON (14:51): I seek leave to make a brief explanation before asking the Minister for Education and Child Development questions about Families SA.

Leave granted.

The Hon. A. BRESSINGTON: A constituent contacted me some time ago alleging sexual abuse by an older member of the foster family that she was placed with while under the care of the minister. This constituent subsequently fell pregnant twice to this abuser. I have previously asked a question in relation to the failure of Families SA and SAPOL to investigate this in a timely manner; that is, when these children were born and why a paternity test was not done to establish whether or not a sexual offence had occurred. Given that the mother of these children was only 14 years old at the time, one would think that that would have been a pretty obvious course of action to take.

The alleged father of the children to whom the allegations of abuse have been directed has been granted paternal access to the children. However, at the time of granting access, paternity testing had not been seen to be necessary. As I said, that opens up a whole new can of worms as to further questions and why an investigation did not ensue. My questions are:

1. What are the requirements for paternal access to children?

2. Why would Families SA allow paternal visits to someone who has been an alleged child sex offender when a reasonable suspicion had been clearly established by all involved, including Families SA and SAPOL?

3. Why has Families SA been allowing paternal visits to a man who is yet to be proven as the child's father?

4. Given that the alleged offender has claimed paternal rights by seeking access and the mother of his children was only 14 years old, why didn't Families SA refer this matter to the police for investigation and subsequent prosecution of child sexual abuse against a minor?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:54): I thank the honourable member for her very important question and I acknowledge her ongoing interest and agitation in this area. I undertake to take the questions on the matter of Families SA to the minister in the other place and to seek a response on her behalf.

HAWKER WATER SUPPLY

The Hon. CARMEL ZOLLO (14:54): My question is to the Minister for Water and the River Murray. Will the minister inform the chamber about the government's plan to improve the water supply for the Flinders Ranges town of Hawker?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:54): I thank the honourable member for her very important question and ongoing interest in matters relating to water and water supply. The town of Hawker which is about 100 kilometres, I am told, north of Port Augusta has presented difficulties for government in delivering the supply of water for quite some time. Indeed, the water supply to Hawker now is sourced from groundwater that contains relatively high levels of totally dissolved solids which is a measure of salinity, as most members will know, and is certainly known for its hardness.

Whilst the water supply to Hawker complies with the Australian Drinking Water Guidelines 2011 health criteria, the local community have long regarded it as being too saline for drinking purposes. As a result, the Jay Weatherill government has been keen to ensure the 300 or so people living in Hawker and the people who visit in peak tourist season have a supply of water that meets their needs. That is why I am pleased to announce the Hawker desalination project which will deliver a desalination plant to the Hawker community.

The project, with a capital expenditure of $5.7 million, will achieve the long-term and sustainable potable water supply for the town of Hawker. It will supply water that meets the Australian Drinking Water Guidelines for health criteria, but also water that meets the Australian Drinking Water Guidelines aesthetic criteria. In simple terms, this will mean that the saline taste many Hawker residents have rightly been concerned about is no longer an issue for them.

Engagement with the community has been integral to this project and I am pleased to advise that the residents of Hawker are certainly onboard with the program. The active members of Hawker do deserve congratulations for getting to this moment. Without their ongoing efforts and the strong leadership of their community, this project would not have been possible. It is anticipated the improved water will be delivered to residents and businesses in the third quarter of 2014 and this is something everyone in this chamber should look forward to when they next visit that area.

This is yet another example of the Jay Weatherill government delivering for citizens in the country and I personally look forward to the day the tap to Hawker's new water supply is turned on.

SOUTHERN HAIRY-NOSED WOMBAT

The Hon. T.A. FRANKS (14:56): I seek leave to make a brief explanation before directing a question to the Minister for Sustainability, Environment and Conservation on the topic of southern hairy-nosed wombats.

Leave granted.

The Hon. T.A. FRANKS: In response to previous questions I have asked of the previous minister with regard to the ongoing status of the South Australian faunal emblem, the southern hairy-nosed wombat, the then-minister advised that:

> ...the Department of Environment and Natural Resources encourages a 'living with wildlife' approach and the use of non-lethal management strategies to issues involving human-wildlife conflict.

And that DENR (as it was then known)

> ...has and will continue to support and promote non-lethal approaches to wildlife management.

Unfortunately, figures released by the department under FOI have revealed that numbers of southern hairy-nosed wombats culled have increased significantly over the last five years. Disappointingly, previous questions that I have asked in this place about the fate of the wombats and the department's willingness to issue destruction permits seemingly without any critical scrutiny remain unanswered despite correspondence from the previous minister, Paul Caica, promising that such answers would be tabled five months ago.

Questions relating to new discoveries of threats to the population have remain unanswered now for some 18 months. These questions ask about the massive numbers of wombats dying in the state's Murraylands; estimates of up to 70 per cent mortality. I have asked whether destruction permits should continue to be issued without a full and proper assessment of the impact of the then-unknown disease on the population's health. I have asked what resources the government has directed towards researching the disease and what funding has been given to rescuing and rehabilitating wombats suffering from the disease.

I have also asked what actions were being taken, if any, towards halting illegal culling and supporting wombat rescue and rehabilitation on Portee Station—private land suitable for a sanctuary that is still today, I believe, available for sale. Whilst I am still very keen to get the answers to these earlier questions, I would like to ask the current minister the following questions:

1. Is the minister aware of research that highlights the fact that interfering with an established wombat community by culling wombats actually substantially increases wombat numbers overall by removing the inhibiting effects that the alpha females have on other wombats' breeding capacity?

2. If the minister is not aware of such research, will he commit his department to investigate this as a matter of urgency to ensure that culling permits issued to landholders are not inadvertently increasing wombat damage in farmlands as expanding numbers of newborn wombats lead to a corresponding expansion in wombat burrowing as new burrows are constructed by each wombat?

3. Will you, as minister, honour the previous minister's written commitment to me to answer the outstanding questions urgently? That minister stated I would receive answers in this place in February. I will accept May.

The PRESIDENT: The Minister for Sustainability, Environment and Conservation.

The Hon. T.A. Franks: 2013!

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:59): I thank the honourable member for her most important question and her very hurried addition to that question in that remark. I can make some preliminary statements and then I can come back to the more pertinent questions that she asked towards the end of her explanation.

The southern hairy-nosed wombat is a species that is protected under the National Parks and Wildlife Act 1972, I am advised, but they are not listed as vulnerable, rare or endangered. Populations of southern hairy-nosed wombats are found in the Murraylands, Yorke Peninsula and

in the western regions of this state. I am advised that over the last couple of years, several southern hairy-nosed wombats have been observed near Blanchetown, some with hair loss, emaciated body condition and skin infections.

I am also advised in 2011, the Department of Environment, Water and Natural Resources contributed to a study undertaken by the University of Adelaide School of Animal and Veterinary Sciences to investigate what was causing this condition in wombats.

As to her questions about research on culling, I can advise that no, I have not seen any such recent research but, of course, I would be fascinated to read it. Not being aware of that research, I will ask my department to provide me with a report. Having not seen the previous minister's response to the honourable member which she alluded to in her explanation, I will also ask the department to provide me with that, and I will consider that and a response as soon as possible.

APY LANDS, RENAL DIALYSIS UNITS

The Hon. T.J. STEPHENS (15:01): I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation questions about remote renal dialysis units.

Leave granted.

The Hon. T.J. STEPHENS: Yesterday, Jonathan Nicholls of the *Paper Tracker* disclosed on radio that the commonwealth had allocated $13 million for what was termed 'family-centric renal accommodation' for those coming in from remote areas to Alice Springs, which would cover those coming from the APY lands. The commonwealth has blamed the state government for delay and has since returned the funding to Treasury.

Given that health is a state responsibility, it is up to the state government to ensure APY lands residents do not miss out on a vital service due to its incompetence and indifference. My question is: will the minister ensure that our residents in the APY lands are not deprived of renal dialysis units and ensure that commonwealth funding is utilised?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (15:02): I thank the honourable member for his most important question and his ongoing interest in these matters. This is clearly, directly, a portfolio responsibility for the Minister for Health and Ageing in another place, but given the honourable member's concerns and interests, I will make a few statements around the subject.

Members may be aware that, in 2011, the Central Australia Renal Study was released by the Australian government. That study, I am advised, recommended a hub and spoke model of service delivery for dialysis patients from central Australia with Alice Springs as the hub. Members may also be aware that the Northern Territory government has decided not to progress the development of an accommodation centre for renal dialysis patients in Alice Springs as they are unable to meet the ongoing operational costs of that centre.

I am advised there are currently an estimated 12 people from the APY lands receiving dialysis in Alice Springs. There are a further nine people from the APY lands receiving dialysis in this state.

The decision made by the Northern Territory government is not to progress the accommodation centre—I think that is most unfortunate—but I am advised it will not impact the 12 patients currently receiving dialysis services in Alice Springs. I am also advised that the Northern Territory government has consequently handed back the $13 million that was provided to them for this purpose to the Australian government.

The renal dialysis service in Alice Springs is continuing to treat patients from South Australia with around 12 people from the APY lands currently dialysing in Alice Springs. I understand that SA Health currently provides payment for South Australian residents treated in the Northern Territory in line with agreed cross-border agreements. The Central Australia Renal Study also recommended the commencement of respite renal dialysis visits to the APY lands.

I am informed that SA Health has committed to the provision of these services and has been using the Northern Territory mobile dialysis truck to provide visits to the APY lands and northern South Australia. I am further advised that SA Health has been provided with funding by the Australian government to purchase its own truck, and procurement processes are currently underway.

SOUTH AUSTRALIAN FOREST INDUSTRY ADVISORY BOARD

The Hon. K.J. MAHER (15:04): I seek leave to make a brief explanation before asking the Minister for Regional Development a question about the South-East.

Leave granted.

The Hon. K.J. MAHER: Last week, I was in Mount Gambier for a series of meetings with constituents, community groups and other local groups, where I had the opportunity to attend a couple of meetings with the minister and the mayor and CEO of both the City of Mount Gambier and the District Council of Grant.

The Hon. D.W. Ridgway interjecting:

The Hon. K.J. MAHER: Yes, I know. A lot of the constituents were very disappointed at the lack of interest in the area that the Liberal Party has shown for a decade or so, and a lot of people talked about how well served they had been by an Independent, compared to in the past. They have accused the Liberal Party of just drinking muscats at dawn in the Adelaide Club and not having any interest whatsoever in the area, and I had to agree with some of those assertions. However, can the minister inform the chamber of some of the other important meetings she attended while in Mount Gambier?

Members interjecting:

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) (15:05): There are some very nervous people sitting up the back there, very nervous. I thank the honourable member for his most important question and his ongoing interest and involvement in matters relating to the South-East, as well as other areas; however, he has a particular passion for the South-East.

During last week I had the pleasure of attending the inaugural, the first meeting—just in case those on the other side didn't understand the word 'inaugural'—of the South Australian Forest Industry Advisory Board. I addressed the new board, welcoming its contributions, and took the opportunity to outline my expectations of developing a blueprint for the future South-East forest and wood products industry. The board has been established to provide the government with advice and recommendations about the future strategic needs of the forest and forest products industry in this state.

I am very pleased to advise (as I have previously in this place) that Mr Trevor Smith has been appointed as chair. Trevor is well known in forestry industry circles and held in high regard within the industry. His skills and experience will be critical to the success of the board in delivering the industry change and renewal that will be needed. Additional membership includes: Ms Alison Carmichael, who is CEO of the Institute of Foresters Australia; Ms Jane Calvert, National President of the CFMEU, Forestry and Furnishing Products Division; Ms Shelley Dunstone, Principal, Legal Circles; Mr John Fargher, Managing Director of John Fargher and Associates; Ms Carolyn Pidcock, Director of PIDCOCK—Architecture + Sustainability; and Mr Ian McDonnell, Managing Director of N.F. McDonnell and Sons.

Each board member brings a high level of skill and experience to the board, and the role of the board is to provide the government with advice and recommendations about the future strategic needs of the forest and forest products industry in this state. This will include advice on emerging domestic and international opportunities to enhance the sustainable economic development of the forest-related industry in South Australia and the issues that are inhibiting the economic development of the industry, and advice regarding the transition of the forest and forest products sector to a creative, agile and globally competitive advanced manufacturing industry, which is obviously something that would be welcomed.

I believe the changes in the global economy present a unique opportunity to transform South Australia's forest products manufacturing sector to one that relies on design, innovation and new ideas for competitiveness, connecting our strengths in research and manufacturing to become leaders in new industries. I also expect the board to act as a high-level conduit between industry and the government, utilising expertise and networks to facilitate industry consultation and engagement regarding identified economic opportunities and challenges at both state and national levels.

The board will need to work in harmony with organisations and initiatives that aim to further industry development including the Cellulose Fibre Value Chain Study currently underway in the South-East, the government's $27 million South-East Forestry Partnerships Program, and relevant initiatives from the Limestone Coast Economic Diversification Forum, which is enabling the development of an overarching strategy for the region.

This region is the most significant location for the forest and forest product industry in South Australia, and as such, this board will obviously be a very important agent to direct the forest industry's specific needs of this initiative. The board will be able to build on the good work of the former forest industry development board and also the South-East forestry industry round table.

Both of those groups have now been disbanded, and I take this opportunity to thank its members and these former boards for the excellent work, hard work and commitment undertaken over the last few years. You have probably gleaned that the new board is a combination of members from the development board and the round table, plus some new people. So, we make sure that corporate knowledge is not lost and is connected into renewed activity.

Also on my visit to the South-East, I had the great pleasure of touring the Kraft Foods factory. It is an inspiring and amazing workplace, and obviously sets a very high standard for employment. The factory is amazingly neat and tidy and their communication on their activity is also quite remarkable.

Every employee is briefed at the beginning of every shift on not only what activities have occurred in the last 24 hours but also how that relates longitudinally, month by month, over longer periods of time, so they can see whether it is from industries, outputs, breakdowns or whatever, how they are comparing. This briefing includes safety, staff morale, production outputs, customer orders being met on time, power consumption and water usage. A wide range of those things are all monitored over a 24-hour period.

I can see exactly why people trust the safety and quality of Kraft products. The management team has obviously put in place very strong food safety and quality systems within their factory, and it is also evident from my tour the importance that management places on keeping their employees well informed of their business, and how the conduct of individual employees and their activities (their work) aligns with the goals of the overall organisation. I think that the Kraft management team is a fabulous example of a good employer, and I thank them for the time they took to show me around.

The PRESIDENT: And the workers, on 1 May.

The Hon. G.E. GAGO: Absolutely.

SOUTH AUSTRALIAN FOREST INDUSTRY ADVISORY BOARD

The Hon. D.W. RIDGWAY (Leader of the Opposition) (15:13): Supplementary question. Could the minister provide some information:

1. How much will the new forestry council board members be paid?
2. In which budget line will they appear in the budget?
3. What are the administrative costs?
4. Why do their terms expire in May 2014?

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) (15:13): I thank the honourable member for his most important question. I just don't have the figures with me, Mr President, but there are board sitting costs to which this board has entitlements. As well as that, I am informed that obviously the budget line is PIRSA.

The Hon. R.I. Lucas: That was a great help from your staff, wasn't it?

The Hon. G.E. GAGO: Yes, very helpful; thanks for that. Thanks guys, that was good.

Members interjecting:

The PRESIDENT: Minister, you will undertake to bring back that information?

The Hon. G.E. GAGO: Yes, Mr President. There are standard board sitting fees—but I do not carry those figures around in my head—that they have access to. There are also fees associated with the objects, the fact that they are required to put the strategic plan together; they are required to do it in a 12-month period and that is why the term is for 12 months. There are special fees associated with that for the chair and also sitting members. I am happy to provide the detailed amounts. I will take those on notice and bring them back.

SOUTH AUSTRALIAN FOREST INDUSTRY ADVISORY BOARD

The Hon. D.W. RIDGWAY (Leader of the Opposition) (15:15): I have a further supplementary question. Will they also be compensated for travel and accommodation if they do not live locally or in Adelaide?

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) (15:15): My understanding is that the standard board fee sitting arrangements—and these are standard provisions—incorporate reimbursement of associated costs, travelling, etc. However, I am happy to provide details of that to clarify whether that is so and include that in the response that I bring back to this place.

FRUIT FLY

The Hon. R.L. BROKENSHIRE (15:16): I seek leave to make a brief explanation before asking the Minister for Agriculture, Food and Fisheries another question about fruit fly.

Leave granted.

The Hon. R.L. BROKENSHIRE: I noted earlier the question by the Hon. Stephen Wade and acknowledge the interest of the Hon. John Dawkins MLC, the member for Chaffey and Senator Ann Ruston on this very important issue for the Riverland region.

Further to the minister's answer earlier on the New South Wales and Victorian cost recovery, I understand that Victoria is expecting its citrus industry to contribute at least 70 per cent of the cost of its fruit fly protection program from July. Last November Victoria also declared that Queensland fruit fly was no longer endemic. A Victorian newspaper, *The Weekly Times,* conducted a poll and found that 93 per cent of its readers expected the Victorian government to do more to prevent fruit fly.

Honourable members most likely know from previous questions and debate that there are fruit fly roadblocks at Yamba, east of Renmark, Ceduna, Oodla Wirra and near Pinnaroo in the Mallee. There has been recent debate about whether random roadblocks in Blanchetown should have been in operation during the Easter holidays, preceding the recent outbreaks in Woodville and Kilburn. A random roadblock was subsequently operational in Blanchetown over the ANZAC Day period and saw 627 vehicles checked with 99 (which is roughly one in six) carrying fruit fly host material.

I note in particular the March detection of fruit fly in Woolworths peaches and the significant issue that raises in the supply chain. My questions are:

1. Will the minister tell the parliament about all the current confirmed detections and outbreaks at this point in time and how many other outbreaks are presently under investigation and what explanation the department has at this stage for the sudden number of outbreaks?

2. Will the government establish a new and permanent fruit fly inspection station at Bordertown, given recent poor levels of compliance?

3. Will the minister guarantee that funding structures for fruit fly protection will remain as is or increase in the forward estimates?

4. Will the minister immediately conduct a formal and transparent review of the commercial importation arrangements for produce, given the Woolworths detection, and then table the findings?

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) (15:18): I thank the honourable member for his most important questions. In relation to the recent Kilburn outbreak I do have some details around that. My understanding is that a female Mediterranean fruit fly was trapped in Kilburn in a permanent

fruit fly surveillance trap—that was one female—and nine single males were then detected in a trap in Woodville on 22 April. The first one was found on 17 April.

Both detections are triggers for what we call an eradication response according to national protocols. The response undertaken was to establish a quarantine zone around the detection sites. All properties have been provided with advice on detection, the eradication process and the quarantine arrangements, via leafleting. Eradication will be undertaken by spot baiting to reduce the wild population and either maintaining the bait spotting or, alternatively, using sterile Mediterranean fruit flies in the quarantine area for a 10-12 week period after the last wild fly is detected.

The quarantine will then remain in place for one generation, plus 28 days or 12 weeks, from when the last wild fly was detected, whichever is the longer, and at this time of the year it is expected the quarantine will be in place at least until December. The national protocol stipulates arrangements for monitoring and responding to fruit flies. These detections have no impact on commercial growers. However, residents obviously must remain vigilant by not removing fruit or vegetables out of the quarantine areas, disposing of fruit and vegetables in green waste and council refuse bins, and reporting any unusual signs in fruit and vegetables.

The successful eradication of our fruit fly is very critical to our fruit fly free status. Biosecurity mitigation strategies include the Ceduna quarantine station, where all vehicles from WA (this infestation is from WA) are stopped and inspected; hosts produce importer registration; inspection and audit of importers; an extremely successful community awareness program; quarantine signage; and disposal bins at entry points to the state, including the Adelaide Airport and the Central Bus Depot. Eradication programs are very labour intensive, and activities are funded from PIRSA's biosecurity fund, the cost of eradication being around $250,000, I am advised.

We use a lot of different monitoring for fruit fly—traps and so on. We have roadblock activities and a wide range of biosecurity measures. These are the most recent outbreaks in our state, but also a month or so ago, maybe a little later, larvae was found in a peach that was imported through one of the major supermarket chains, and a protocol was undertaken and put in place to deal with that.

In terms of increased funding and roadblocks, I have talked about the Bordertown roadblock ad nauseam in this place, so how we conduct our roadblocks is on the record, how some are permanent and some are random—and they are random for a reason. It is a bit like random breath testing stations: we shift them from time to time, so that people are unaware, in order to determine whether there have been breaches.

We also use the roadblocks as an opportunity to inform and educate people, and we are very pleased that in the last holidays the number of breaches per inspection was down. I will have to check that figure, but I think the last school holiday break showed that, so that is very pleasing. These measures are working. We shift and move our resources around where they are monitored and assessed to be needed, and we will continue to do that. We have no plans to expand these provisions. They are working; they maintain our current protection status very well. If the industry wants an extension of our programs or strategies, given that the current ones are effective, we would have to ensure that there is coinvestment from industry. If they want the expanded programs, they are going to have to help meet some of those costs.

Currently, here in South Australia, the South Australian government funds 100 per cent of the biosecurity around fruit fly. The industry does not contribute, and it has indicated in the past that it is not prepared to contribute. In some other areas, industries such as fisheries contribute almost 100 per cent to all of the biosecurity measures. It is quite different with fruit fly. The government is happy to continue this commitment. It is a very important commitment to the industry and to the state. As I have said, the current strategies are currently working. They keep us protected, and we have no plans to extend or expand that, other than within our current budgetary means, within the foreseeable future.

While I am on my feet, in relation to the questions I was asked about the forestry board, I am advised that the chair of the forestry board receives $258 per four-hour session and receives an attraction and retention allowance of $50,000 per annum. Members receive $206 per four-hour session, with an allowance of $5,000 per annum. That is what I have been advised so far.

ANSWERS TO QUESTIONS

PHYLLOXERA

In reply to the **Hon. R.L. BROKENSHIRE** (28 June 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 have been advised:

Section 15 requires the Phylloxera and Grape Industry Board of SA to establish committees to represent each of the prescribed regions.

Some years ago the Board made the decision to work with a number of already existing grape grower groups rather than set up new phylloxera committees.

The Board has designated these already established groups as being 'established' for the purposes of section 15(1) of the Act.

MATTERS OF INTEREST

PALLIATIVE CARE COUNCIL

The Hon. G.A. KANDELAARS (15:27): Earlier this year, I visited the Palliative Care Council of South Australia and met with Tracey Walters, the executive officer, and the chair of the board, Dr Mary Brooksbank AM, to discuss palliative care in South Australia and where they hope to take it.

The Palliative Care Council is a not-for-profit organisation with a mission to provide palliative care and support to people with a terminal illness, as well as support for their friends and family. Palliative care is the act of improving the quality of life for people with a terminal illness, making their final days more comfortable, assisting in the relief of their pain and helping them and their family come to terms with their death, as well as helping to understand and accept death as a natural and normal part of life.

Palliative care can be provided by a large variety of different health professionals, ranging from general practitioners to nurses to social workers and even volunteers, depending on the needs and wants of the individual patient. Palliative care is not restricted to hospitals; it can also be provided in a hospice, an aged-care facility and even at home, whichever makes the individual client feel most comfortable and suits their needs best.

A hospice, sometimes referred to as a palliative care unit, is a place where terminally ill people can go to live out their final days in the comfort of a home-like environment. The benefit of a hospice over their own home is that it provides a home-like environment while providing access to medical support services and nurses.

In South Australia, palliative care was first seen in its current form in 1980, when the southern hospice association was formed. In 1983, Flinders Medical Centre hosted South Australia's first hospice service, the Southern Community Hospice Service. From there, we started seeing hospice services appearing all over Adelaide.

The Mary Potter Home at Calvary North Adelaide Hospital was founded in 1902 by the Little Company of Mary nuns, a nursing order founded in 1847 by Mary Potter. In 1986, the Mary Potter home became the Mary Potter Hospice and created formal links with the Royal Adelaide Hospital, leading to dedicated palliative care beds being allocated within the hospital in 1989. It is from these beginnings that the palliative care services we see today are derived.

In the last financial year, the Palliative Care Council took charge of a number of projects across South Australia. One notable project was the Palliative Care Volunteer Project that was launched in September 2011. This project is a statewide initiative aimed at developing a stable and sustainable volunteer service model for palliative care services. Project officer Helene Hipp travelled across the state to learn and investigate what is needed to achieve this. She has developed a model that was trialled over the following 12 months. The trial shed some light on some of the main issues that the Palliative Care Council faced in their endeavours ranging from the lack of resources to a lack of training, difficulties with organisation and management of volunteers, and varying degrees of interest in volunteering in such a demanding environment.

The Palliative Care Council is seeking to take what they have learned in the trial and push for a more standardised palliative scheme, including more comprehensive training, recruitment programs and volunteer support.

Strong, passionate and steadfast are some of the words that come to mind when I think about the men and women who work and volunteer in palliative care. I take this opportunity to thank them for their hard work. Finally, I also thank the Palliative Care Council of South Australia for their work in improving palliative care services in South Australia.

COUNTRY PRESS SA AWARDS

The Hon. J.S.L. DAWKINS (15:32): I rise today to speak of the Country Press SA newspaper awards held at the Port Lincoln Hotel on 15 March. I was pleased to attend this awards night and dinner once again. Particularly pleasing that night was to note the election that day of the new president of the association, Mr David Wright, editor of the *Northern Argus* at Clare, succeeding Mr Trevor Channon, manager of *The Murray Valley Standard* at Murray Bridge. I was also pleased that in attendance that night were the local state member Mr Peter Treloar, the member for Grey in the federal parliament Mr Rowan Ramsey, and the Minister for Tourism Hon. Leon Bignell.

I was pleased once again to present the Community Profile award and I was delighted that this year's judge of that award was Georgina McGuinness. I congratulate Mr Sonny Coombs from the *Yorke Peninsula Country Times* on winning that award with second place going to Billie Harrison from *Port Lincoln Times* and Brad Perry from *Riverland Weekly*.

I would like to take some time to go through some of the other award winners. The Best Newspaper over 6,000 circulation went to *The Border Watch* at Mount Gambier for the third occasion in a row. Second place went to *The Courier* at Mount Barker. Third place went to the *Yorke Peninsula Country Times*. The Best Newspaper between 2,500 and 6,000 was won by *The Murray Valley Standard* for the ninth time in a row. Second went to *The Naracoorte Herald* and equal third place went to the *Katherine Times* and the *Whyalla News*. The Best Newspaper under 2,500 circulation was won by *The South Eastern Times* at Millicent. Second was won by *The Islander* and third by *The Plains Producer* at Balaklava.

The Best Advertisement (Image/Branding) award went to *The Leader* at Angaston with *The Plains Producer* second and the *Port Lincoln Times* third. The Best Advertisement (Priced Product) award was won by *The Leader*. Second went to the *Yorke Peninsula Country Times* and third to the *Roxby Downs Sun*. The Best Advertising feature was won by *The Times* at Victor Harbor. Second place went to *Eyre Peninsula Tribune* and third to the *Barrier Daily Truth* at Broken Hill.

Best Supplement was won by *The* Leader, and second place went to *The Bunyip* at Gawler and third to *The Islander*. The Best News Photograph was won by Will Slee of *The Murray Pioneer*, second place went to Shaun Kowald of the Barossa and Light Herald and third to Celeste Lustosa of *The Recorder* at Port Pirie. The Best Sports Photograph was won by Chelsea Ashmeade of the *Northern Argus,* second place went to Laura Wright from *The Courier*, and third was shared between Courtney McFarlane of *The Times*, Victor Harbor, and William Bailey of *The Murray Valley Standard*.

The Best Front Page award was won by *The River News* at Waikerie, second place went to *The South Eastern Times* and third to *Yorke Peninsula Country Times*. The award for Editorial Writing was won by *The Islander,* with *The Border Watch* in second place and *The Times*, Victor Harbor, was third. The award for Excellence in Journalism was won by Kimberlee Meier of the *Port Lincoln Times*, with Sandra Morello of *The Border Watch* in second place and Craig Treloar of *The River News* in third. The final award was for the Best Sports Story, and that was won by Rod Morris of *The Border Watch*, second place went to Les Pearson from the *Plains Producer,* and third place went to Ben Jones of *The Bunyip*.

It was a very enjoyable night, one that celebrated the 101st year of Country Press SA, and once again I congratulate that organisation on the professionalism it shows in its awards night but also in the way that it deals with the broader community; I know, sir, that in the past you have enjoyed those award events. Once again, I commend the country newspapers of South Australia to this house.

FORUM OF ITALO-AUSTRALIAN PARLIAMENTARIANS

The Hon. CARMEL ZOLLO (15:36): Today I would like to place on the record the work of the Forum of Italo-Australian Parliamentarians, which I attended in Canberra in early April. From memory, the forum was established in 2007 as an initiative of the Hon. Tony Piccolo MP. It has a multipartisan membership across all states and the federal parliament and seeks to promote and advance better economic, cultural and educational relationships between Australia and Italy.

The forum last month was hosted by the Hon. Vicki Dunne MLA, the Speaker of the Legislative Assembly in the ACT, and the honourable Speaker has Italian heritage going back to the 1800s in New South Wales. The forum provides an opportunity for members of Italian heritage to discuss and report on common issues as they affect their constituencies. Amongst the issues discussed at last month's forum, in particular, as they related to South Australia, were the Italian language, its support in the curriculum, loss of resources built up from the Italian consul's office, loss of the education officer from the consulate office and the uncertainty of the consul's office itself in Adelaide.

The agenda also included discussion in relation to the working holiday visa agreement between Australia and Italy, discussion in relation to reinstatement of Italian citizenship, and the method of payment of Italian pensions under reciprocal social security arrangements. The needs of our aged are always high on the agenda as well. The issue of higher education and training between the European Union and Australia was also discussed, and I will probably take the opportunity at another time to talk about the good work being undertaken in our Department of the Premier and Cabinet in relation to education and research exchanges.

The forum agenda is a formal one where jurisdictions report on the main issues facing their electorates, as well as sometimes taking the opportunity to visit electorates. Community leaders from that particular jurisdiction were also invited to join us. Without any doubt, the forum members' visit to the Yarralumla Primary School was one of the best examples I have ever witnessed of the importance placed on the learning of languages in Australia and, obviously in this case, Italian.

The school has a focus on three special areas—languages, art and sustainability. The entire school is taught in a bilingual manner: the students spend 2½ days a week being taught in Italian and 2½ days a week being taught in English. I am aware that Canberra has similar schools focusing on other languages. It was a delight to see the students so happy and fluent speaking either language and not just being greeted in Italian but generally conversing in Italian, whether it was to discuss an arm injury a child was carrying that day or where we had come from.

I was interested to hear and take part in the discussions on the working holiday program. During the first term of being elected to this parliament, I moved a motion to encourage the federal government to sign an agreement with Italy for them to come on board with a reciprocal program, and I was pleased to see the program subsequently commence.

Indeed, it was Italy that was dragging its heels, so to speak, as there appeared to be concern that hordes of young Aussies would be going over to Italy to holiday and work and take jobs from young Italians. Of course, that did not happen, but what has now happened with the global financial crisis is that Australia is welcoming some 9,000 young Italians as part of that program. The topic came up as some of the jurisdictions shared their experiences concerning the work experiences of these young people.

In the absence of the Italian Ambassador to Australia, the Head of Mission from the Embassy attended to represent the Ambassador, as well as hosting the members at the Italian Embassy. Several communications were relayed to members from the Ambassador and discussion centred around issues raised.

I believe the forum plays an important role in advocating for closer links and better services and resources for Italo-Australians who have settled in Australia from both the Australian and the Italian governments and, of course, seeks to add value to the work of organisations rather than duplicating those excellent efforts by the members of the community.

AGRICULTURE INDUSTRY

The Hon. D.W. RIDGWAY (Leader of the Opposition) (15:41): Like most people, I still remember my first car: a Belmont station wagon, all vinyl seats and cack brown in colour. At a time when Australian-built cars ruled the roads, Volkswagens, Renaults and Peugeots were all made or assembled here, as well as Chryslers and Mitsubishis. Australian assembly lines once produced the Standard, Triumph, Rambler, Hillman, Humber, Austin, Morris and Singer cars. Who could

have predicted in the 1960s that just three car manufacturers would remain today? And who would have guessed that the roar of the once-mighty GMH lion would now be just a whimper?

South Australia was also the whitegoods capital of the nation, with manufacturers like Lightburn and Simpson. We made television sets in Australia: Pye, Rank Arena, AWA, Thorn and Philips. The state had a profitable shipbuilding industry well before we sank money into submarines. There is no need to guess where the HMAS *Whyalla* was built.

So what went wrong? Manufacturing's share of GDP has been falling since the 1960s when it made up a quarter of our economy. By 2005 it was less than half of that. We may never again have a manufacturing-based economy. It is time for a new focus. It is time we concentrated on industries in which we already have a natural advantage.

Australia grows enough food to feed 60 million people. We have a population of 23 million so we export the rest. Those exports help feed the world and the world has an insatiable appetite. We need to grow that industry. It will not be easy. Australian farmers are already very productive. South Australia is a national leader in irrigation efficiency and our landcare practices are among the best in the country and possibly amongst the best in the world. But we need to do better.

What can we do to increase the net value of our primary production? It revolves around the well-funded research into all aspects of agriculture. If you have eaten South Australian pistachios—and you should—you have probably already eaten a variety called Sirora which was developed for Australian conditions by the CSIRO.

Wheat and barley are two of Australia's most important cereal crops. Scientists from the Australian Centre for Plant Functional Genomics at Adelaide University's Waite Campus are improving wheat and barley's tolerance to environmental stresses such as drought, heat, salinity and nutrient toxicities. These stresses lower yields and quality throughout the world and can cause significant problems for cereal growers.

I want more of that sort of research centred in South Australia. South Australia must lead the world in dryland agricultural research. Look at the great work being done at the Minnipa Agricultural Centre on Eyre Peninsula. Eyre Peninsula produces 40 per cent of South Australia's wheat. Research produced there is now crucial to South Australia's excellence in dryland broadacre farming, but now its funding is under threat and it may not get the proceeds of the sale of other research facilities which, of course, this Labor government is selling off.

Australia's chief scientist reports the most significant contribution we can make towards feeding the world is not how much we grow: it is developing the agricultural science. The key to improved productivity in the land is to unlock the science lab, but what Canberra is doing is just the opposite. Our opponents have plundered the agricultural portfolio by dropping the annual budget from $3.8 billion in 2007 to just $1.7 billion today. Labor has abolished Land and Water Australia and cut $63 million in CSIRO agricultural research. A further $33 million was cut from the cooperative research centres; fewer agricultural CRCs get enough money. Right here, Labor politicians voted to cut the state's premier research organisation, the South Australian Research and Development Institute, known as SARDI. So cut they did, the unkindest cut of all—from $38.2 million in the 2007-08 budget, members opposite slashed SARDI to less than $31 million this year.

Labor did the opposite to what we needed, not because they are silly (although they are) or because they are incompetent (which, of course, they are) or mendacious (which is their default position); it is because they just do not care. It does not have to be this way. With real research effort we can lead rather than follow in the development of better varieties suited to our climate and soils. The future of primary industries in South Australia may become as dependent on what we know as on what we grow. It requires effort and commitment, but it can be done.

HEALTHCARE OUTREACH PROGRAM

The Hon. J.A. DARLEY (15:46): I rise today to speak about the SAH Healthcare Outreach program. This program started in 1986 when a group of medical practitioners travelled to Tonga to help the local community. These volunteers performed surgeries to assist locals who were affected by cleft lip and palates and cardiac conditions. Over the past 25 years the Outreach program has grown to include other countries, including Rwanda, Mongolia, Fiji and Nepal. The program has also expanded to include gynaecological procedures, ophthalmology and operating on burn scar contractures.

The World Health Organisation estimates that Nepal has the highest number of burns-related injuries in the world due to the prevalence of cooking with campfires, kerosene lamps and open flames. If left untreated burns develop into contractures, which result in the skin thickening and tightening. This in turn can cause a disability to the burn victim, as the use and movement of their limbs is restricted.

In March 2013 a team of 25 doctors and nurses from around Australia travelled to the small Nepalese town of Banepa, approximately 26 kilometres east of Kathmandu. As well as entirely self-funding their trip, the team was able to raise enough money and support to send over an entire container full of supplies, food, clothing, gifts and medical equipment, including operating tables and anaesthetic machines.

The preparation for these trips begins well in advance of the team's arrival. A local coordinator visits neighbouring towns and villages throughout the year to find candidates who may be considered suitable for surgery. Consideration of the suitability is always whether the patient's quality of life would be improved rather than achieving a purely cosmetic outcome. Quality of life can be enhanced by surgery through improved economic prospects and self-confidence. Those who are considered suitable are photographed and their picture sent to Australia for evaluation.

Shortlisted candidates travel to Banepa to await the arrival of the team from Australia and are reviewed again and medically tested. If deemed suitable, surgery is booked and begins the second day the team arrives. This trip saw 77 patients reviewed by the team and 52 operations performed in 10 days. The patient's travel, accommodation, hospital stay, surgery, recovery and follow-up is entirely financially covered by the team, and costs approximately $1,000 per burns victim. Without these charges being met, the cost of surgery would be unaffordable in a country where more than half the population of 30 million live on less than $1.25 per day.

In addition to performing surgery, the trips provide an opportunity to work with the local medical community to teach and improve their skills. The staff at Scheer Memorial Hospital, which hosts the annual visit, look forward to the opportunity to work with the Australian team, and the teaching has proven to be so successful that all cleft lip and palate surgery is now performed by local doctors. Educational lectures are also conducted, which have proven popular with local medical staff. Over the years the hospital has also been improved by the supplies and equipment donated.

One of the members of the team which travelled to Nepal was Dr Rebecca Wyten. After completing her science degree in her hometown of Adelaide, Rebecca travelled to Sydney to undertake her medical degree before heading to New York to participate in a surgical oncology residency. Rebecca returned to Sydney to begin six years of training in plastics and general surgery. During this period, she became interested in giving back to the community and became involved in the outreach program.

Rebecca was the first person to be accepted into the program as a junior. Dr Wyten has now finished her accredited training as a plastic surgeon and continues to travel to Nepal as a senior surgeon. Dr Wyten particularly credits her mentor, Dr David Pennington, for his assistance and support of the project as well as her personal involvement.

Anyone interested in supporting this very worthwhile program can make a donation online at www.sah.org.au or by phoning 1300 034 357.

AUSTRALIAN PROSPERITY

The Hon. T.J. STEPHENS (15:50): Last Thursday was ANZAC Day, which should be a time to take stock of what is important and to remember the ultimate sacrifice that so many individuals have made for our country's cause. This reflection triggered for me thoughts on why our country has fought the wars it has fought. We as Australians believe in the fair go. Personally, I believe the fair go we often refer to means opportunity and opportunity for all.

I believe this opportunity is created by the individual through hard work and ingenuity and cannot be forced by government. Ingenuity is the key to success and should be rewarded. Ingenuity which leads to a scientific breakthrough, a technological advancement, should be just as valued as that which leads to a company posting record profits.

The best environment for this to occur is a free society where individuals have the freedom to explore any avenue of thought they desire, provided it does not adversely affect others. This should be the ultimate goal of the law and, with this in mind, it is hard to see how many of the

overburdening laws become law in this place. I believe this philosophy was at the heart of why we fought in the two great wars of the 20th century.

It should be what continues to underpin our society, and our governments should be reflective of that; unfortunately, it is not what I see today. As individuals and as families, which are the building blocks of our society, our goal should be to give each other the best opportunity through our education and health to live prosperous lives.

Our financial and personal security underpin this, and this is where we rely on government. We are lucky enough in Australia to have free education and basic health care. These things should be guaranteed, but it should be expected that anything beyond basics should be paid for by the individual and what they decide as necessary will exist. For example, private schooling exists for this purpose, and there are waiting lists for non-essential surgery unless paid for through private health care.

Education standards have dropped in this state, leading to more and more parents investing in private schooling for their children, yet taxes have continued to rise. One would think that higher taxes would lead to better standards in education and health; however, those in the public system continue to wait and wait.

Personal security is another issue. We were promised more police and action on bikie gangs, yet there are just as many shootings as there were before. Has this increase in taxes led to better services? The answer is no, and this is why any rhetoric or spruiking from state or federal Labor governments borders on the fraudulent.

Labor governments preoccupied with the day-to-day news cycle, poll-driven electoral pressure and general incompetence has seen an unprecedented increase in government spending. The standard excuse is that it is the government's job to invest when the private sector will not. I ask the question: is it? What incentive does the private sector have to invest if the government is doing it for them? What incentive do they have if the government insists on increasing taxes in order to fund the very projects they are usurping from the private sector?

This sort of spending only artificially props up the industry, as when the projects are completed there is nothing to build, yet the stifling economic conditions still remain. The commonwealth is no better. Indirect taxes on wealth and job-creating industries, such as the carbon and mining taxes, while uneconomic kowtowing to the so-called working families who have abandoned Labor in the polls; increasing the tax-free threshold, coupled with increasing taxes for those in the middle brackets; and now the introduction of the Medicare levy, are harming the very working families they say they are protecting.

There are two projects that stand out to me, the Building the Education Revolution by the commonwealth and the Royal Adelaide Hospital at state level. Traditionally, these two projects would be under the mandate of government. However, they were executed so poorly that they have become more of a burden than a benefit to the people who funded them. The school halls, which public servants forced upon schools across the country, were a travesty. According to many reports at least $1.5 billion was squandered largely through administration and set-up costs.

The new Royal Adelaide Hospital will cost the South Australian taxpayer $400 million every year for 30 years, and that is before we fund the doctors and nurses and the actual healthcare costs that we need to run it. The reality is that if these Labor governments did not spend so much on projects non-essential to their mandate they would have more than enough money to fund its costs and have plenty to return to the individual and to private enterprise which have kept this country running up to this point and which have made us one of the most prosperous countries in the world.

WALK TOGETHER

The Hon. K.J. MAHER (15:55): First, I would like to commend the Hon. John Dawkins on his comments about the winners of the Country Press SA awards. I was in Mount Gambier last week and *The Border Watch* was understandably very proud of winning the best newspaper for a circulation over 6,000. I would like to congratulate all the winners and acknowledge the Hon. John Dawkins' interest in these matters and in country affairs.

I also note that this weekend marks the Liberal Party Legislative Council preselections, and there are few things I want to say about that; however, I will not talk about it today. I rise today to speak about an upcoming event, Walk Together, to be held on 22 June in Adelaide and in many other locations in Australia.

This event is run by the organisation Welcome to Australia. Welcome to Australia is an important organisation founded in South Australia which seeks to foster a culture of compassion, generosity, diversity and a commitment to a fair go. Welcome to Australia began as a conversation between a number of individuals and not-for-profit organisations who believed there needed to be a positive voice in the public conversation around asylum seeking, refugees and multiculturalism that was not politically aligned or focused on policy but rather to encourage us to respect cultural diversity and treat all people with respect and dignity.

This year's Walk Together event takes place in cities and regional centres throughout Australia at 1pm on 22 June, which is the Saturday of Refugee Week. The theme for Walk Together 2013 is 'If we're all people, we're all equal.' The Adelaide event includes a walk which symbolises support for Australia becoming a more welcoming and generous place.

There will be events in all states and territories, in capital cities as well as major regional towns such as Newcastle and the Gold Coast. In Adelaide, the walk will be from Parliament House to Rundle Park. The walk will end with a festival celebrating our cultural diversity. In Adelaide this will begin with a welcome to country and include keynote speeches from refugees, service providers, Aboriginal Australians and migrants new and old. The event will also include live music and dance, art exhibitions, cultural handicraft stalls and food.

Last year's inaugural event was a great success, with in excess of 1,000 people marching to show support for newer Australians. Those taking part in the event included Premier Weatherill, the then opposition leader the member for Heysen, as well as other state and federal MPs.

The Hon. J.S. Lee: And me, yes?

The Hon. K.J. MAHER: Yes. Many of Welcome to Australia's ambassadors took part in last year's event and I am sure they will again this year. Ambassadors for Welcome to Australia come from right across the spectrum of Australian life and society including the media, entertainment, sports, music, politics, business, the community and social sectors. Recently I was honoured to join the Hon. Jing Lee as an ambassador for Welcome to Australia and I look forward to taking part in the event with the Hon. Jing Lee this June. If members and other people want further information about this event they can contact either the Hon. Jing Lee's office or me.

I congratulate Welcome to Australia for the work it does in general. In addition to creating a loud, public voice of positivity, Welcome to Australia provides services such as mentoring and seminars for new arrivals to the country. It also stages welcoming parties where clubs and schools invite migrants and their families to informal community gatherings. This helps to build stronger connections between local residents, creating stronger and more welcoming communities.

In particular, I want to congratulate the director of Welcome to Australia, Pastor Brad Chilcott, on receiving a community sector award at the Governor's multicultural awards for his work in founding the organisation. I note that Brad says that being recognised is rewarding for him, but he hopes it will mean that more people get involved and know refugees as he has. I congratulate all who have worked hard to make Welcome to Australia a successful organisation. It is making a great contribution to creating a more compassionate and generous society, and I encourage everyone who is able to make it to attend the Walk Together event on 22 June.

PARLIAMENTARY COMMITTEE ON OCCUPATIONAL SAFETY, REHABILITATION AND COMPENSATION: SOUTH AUSTRALIA'S AGEING WORKFORCE

The Hon. G.A. KANDELAARS (16:00): I move:

That the briefing report of the Occupational Safety, Rehabilitation and Compensation Committee into South Australia's Ageing Workforce: Implications for Work Health and Safety, Rehabilitation and Compensation be noted.

The Occupational Safety, Rehabilitation and Compensation Committee has not completed a report into the ageing workforce but did take an opportunity to meet with the Age Discrimination Commissioner, the Hon. Susan Ryan AO, whilst she was in Adelaide in May 2012. The committee has also undertaken comprehensive research to identify emerging issues associated with changing workforce dynamics and skills retention issues.

Encouraging people to stay in the workforce longer is now a national priority. The global financial crisis has also kept many people working past their planned retirement date so they could recoup financial losses that occurred as a result of the GFC. Remaining in the workforce for longer is the most effective way for older Australians to improve their standard of living, many of whom would otherwise retire on the age pension and be vulnerable to poverty.

The commissioner provided the committee with an overview of the work occurring at a commonwealth level to reduce the structural barriers to mature-age workers continuing in the workforce. She advised the committee that there are about two million people in Australia over the age of 55 years who are not working but would like to work if work were available.

The Australian Law Reform Commission has been inquiring into the legal barriers that discourage mature-age workers from continuing in the workforce for as long as they would like and has made a number of proposals to eliminate these barriers wherever possible. South Australia has one of the highest concentrations of older people, and labour participation rates are predicted to fall over the coming years. Against this backdrop there is an increased interest by mature-age workers to remain in the workforce for longer, but many may have to look for more flexible work arrangements for myriad reasons, such as to cope with caring responsibilities or because of disability.

Australia has a skills shortage, and in order to meet the skills demands of the workforce Australian workers will be in demand for longer periods throughout their life cycle. As Australians live longer and healthier lives they will be more inclined to remain in the workforce longer to meet financial and/or personal objectives. Mature-age workers who remain in the workforce longer are able to accrue more superannuation and there are also significant mental and physical health benefits in remaining in the workforce.

There are numerous benefits for employers who develop age management strategies that are not only for the benefit of older workers but also have benefits for younger workers. Many European employers, and some Australian employers, have invested in a life course approach to age management that ensures that all workers maintain their health and wellbeing and continue to work for as long as possible. These approaches have a positive impact on workforce participation and economic development.

The committee heard from the commissioner that there are significant social barriers that impact on older workers who wish to continue to work and who wish to enter the workforce, either for the first time or after a break. She informed the committee that the rate of complaints about age discrimination was increasing. The Financial Services Council found that 18 per cent of people over the age of 45 complained that they could not get work because they were considered too old. This is a shocking indictment on our society.

The committee was interested in the work health and safety and workers compensation arrangements for mature-age workers, and it noted that both Western Australia and Queensland have removed age barriers to workers compensation and that the commonwealth workers compensation legislation is currently under review. The review of the commonwealth workers compensation legislation will examine a number of areas, including the impact of the changing retirement provisions on the scheme.

In South Australia, injured workers are entitled to rehabilitation and return-to-work plan only if they are in receipt of income maintenance, which is not payable once a worker reaches retirement age. This is a method of forcing retirement onto workers who may have planned to work longer than the Centrelink retirement provisions. Only about 17 per cent of retired people receive personal income from superannuation, dividends or other sources, while 80 per cent are drawing either a full or part pension.

The commissioner pointed out to the committee that the retirement decisions are made not just on personal health, physical ability or caring responsibilities but also on people's proposed financial security. Forcing people onto the age pension following a work injury, or many women who have not been able to secure their financial future due to child-rearing responsibilities, may mean that they are vulnerable to poverty.

This arrangement not only is costly to the Australian taxpayer but also prevents these workers from continuing to be productive members of society, prevents them from continuing to contribute to superannuation, and prevents them from improving their living standards through paid employment. The economic implications for South Australia, due to the loss of otherwise productive workers, may also be significant, as insufficient young people participate in some areas of critical employment.

A basic premise in the Australian Work Health and Safety Strategy 2012-20 is that all workers have a fundamental right to be free from the risk of work-related death, injury and illness. Employers need to ensure that workplaces are safe for all workers, including those of mature age. Whilst there is no specific reference to mature-age workers in the work health and safety

legislation, any improvement made to work processes or practices that benefits mature-age workers will benefit all workers.

For those who are concerned about the financial blowout in workers compensation schemes, the Australian Bureau of Statistics found that most injuries were sustained by workers in the 40 to 49 age group, and this is confirmed by WorkCover statistics. The injury rate in the 60-plus age range is less than 1 per cent.

Removing barriers to mature-age workers to enable them to work into their 70s and beyond will require the removal of structural barriers, but there is also a need to change the negative perceptions and stereotypes about older people. Older Australians are entitled to the same rights as the rest of the working population, and changing the law to enable them to remain productive will go a long way to ensuring that this occurs. Employers who invest in a proactive and sustainable work health and safety system, as well as workforce planning and development, focusing on workers across the life cycle, will maximise productivity and prevent decline due to the ageing process.

The committee recommends that further work is required to address issues associated with an ageing workforce with the resultant changes in the workforce requirement and skills retention issues. I express my thanks to members of the committee for their contribution and deliberation, as well as committee staff who contributed to the preparation of this briefing report, executive officers Ms Carren Walker and Ms Sue Sedivy, and research officer Dr Leah Skrzypiec. I also thank the Hon. Susan Ryan for her attendance at the committee and for WorkCover's assistance in providing statistical and research reports that assisted the committee in its deliberations.

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

SAME-SEX MARRIAGE LEGISLATION

The Hon. G.A. KANDELAARS (16:11): I move:

That this council—

1. Notes the passing of the New Zealand Labour Party Louise Wall's private member's bill, the Marriage (Definition of Marriage) Amendment Bill, that will take effect on 19 August 2013; and

2. Congratulates the New Zealand House of Representatives' members across seven parties—Labour, National, Green, Maori, ACT, Mana and United Future—for working together to enact legislation that ensures same-sex adult couples have the right to marry.

In rising to speak to this motion today, I firstly extend my congratulations to the Hon. Ian Hunter and his partner, Leith Semmens, on their recent marriage in Spain. I am reliably informed that their wedding was a wonderful and loving occasion and I wish them all the very best. However, in many ways, the fact that Ian and Leith had to travel to the other side of the world to marry shows the current inequity in Australia's marriage laws and how those laws apply to same-sex couples.

We witnessed the passing of laws to legalise same-sex marriage in New Zealand two weeks ago and France last week. The tide is turning across the globe with a rapid movement towards equality and a change in marriage laws to allow all citizens, regardless of gender or sexual orientation, to marry the person they love.

Same-sex marriages are legal in a number of countries including the Netherlands, Belgium, Spain (as I have mentioned), Canada, South Africa and Uruguay to name a few. In addition, several states in the United States have formally legalised and recognised same-sex marriage. In Britain, the House of Commons has voted in favour of such laws. Within Australia, there has been slower progress. At its 2011 national conference, the Australian Labor Party platform was changed in favour of amendments to our marriage laws that accepts marriage of same-sex couples. Parliamentary members are now afforded a conscience vote on this issue which was a significant move by Labor.

In South Australia, Premier Jay Weatherill has indicated his support for same-sex marriage, as have a number of my parliamentary colleagues. I also acknowledge the Hon. Tammy Franks' position on this issue and I have previously spoken in this place in support of the Hon. Tammy Franks' Marriage Equality Bill. I stand by what I said at that time and continue to support this cause.

Sadly, the same cannot be said for the Liberal Party. The Liberal Party has long prided itself as the party which gives its members more freedom in respect of party votes as opposed to conscience votes. Despite this, the federal leader of the Liberal opposition has repeatedly refused

his colleagues a conscience vote on this issue, which is an issue of such moral dimension. I note that there have been reports that this may change, although only after this year's federal election.

I also acknowledge that there has been a shift in attitude within the Liberal Party. The Premier of New South Wales, Barry O'Farrell, and the Premier of Western Australia, Colin Barnett, have indicated that the federal Liberal Party should change its position and allow a conscience vote. I also acknowledge that the state Leader of the Opposition, Steven Marshall, has indicated his own personal support for same-sex marriage. I urge these three men, along with Liberal Party members of this place, to continue to agitate for change in the federal Liberal Party's policy.

In speaking in support of the Marriage (Definition of Marriage) Amendment Bill in New Zealand, Louise Wall made what I believe to be a salient point. Ms Wall spoke of the need to learn from history and said:

> Marriage laws have been continually used as a tool of oppression. The Nuremberg laws in 1935 prohibited marriage between German nationals and Jews. The South African Immorality Act and the Prohibition of Mixed Marriage Act prohibited marriage and sexual contact between races until they were repealed in 1985. Forty US states prohibited interracial marriage. Women lost all property rights and their identity upon marriage.
>
> Excluding a group in society from marriage is oppressive and unacceptable. There is no justification for the prohibitions of the past based on religion, race, or gender. Today we are embarrassed and appalled by these examples, and in every instance it was action by the State. This is not about church teachings or philosophy. It never has been. It is about the State excluding people from the institution of marriage because of their sex, sexual orientation, or gender identity, and that is no different from the actions taken in these historical examples.

I have no doubt that I will receive abusive emails—some anonymous and some not—from people who will be challenged by this and ask how dare I seek to compare their religious beliefs with these examples. To them I say this: it is not about religion, nor is it about the sanctity of marriage.

No law in support of same-sex marriage will legalise criminal offences. No law in support of same-sex marriage will compel a minister or celebrant to marry a couple against their wishes and no law in support of same-sex marriage affects the validity or otherwise of my marriage, my son's marriage, my parents' marriage, my neighbour's marriage or for that matter anybody else's marriage. To those who fear that their own marriage may be threatened if gay or lesbian couples are permitted to marry, I suggest, perhaps, that they examine their own marriage first; for surely, if allowing some other couple to marry devalues your own marriage, then perhaps your marriage is not as strong as you might believe.

The other argument which people opposed to the law seem to raise is children: 'For heaven's sake, we cannot allow gay marriage for the sake of the kids.' Figures adopted by the Australian Bureau of Statistics, however, suggest that the proportion of babies born outside registered marriage has risen dramatically throughout the period 1990 to 2010, from just over one-fifth (22 per cent) to just over one-third (34 per cent) of all births. Likewise, even in respect of children who were born to married parents, the reality of divorce means that many children live without regular contact with one of their parents, usually the father, after separation. Again, ABS figures show that in 2009-10, of the five million children aged zero to 17 in Australia, just over one million, or one in five (21 per cent) had a natural parent living elsewhere.

I respect the rights of others to hold an opinion different from mine. As I have said, the federal Labor Party has been granted a conscience vote on this issue, and I believe that is the right thing to do. However, I urge those who oppose a change to same-sex marriage laws to consider the issue in an objective and logical manner, rather than through the prism of religious dogma.

The Hon. Maurice Williamson gave the people of New Zealand what he described as a watertight guarantee and promise and, when this bill was debated, said:

> The sun will still rise tomorrow. Your teenage daughter will still argue back at you as if she knows everything. Your mortgage will not grow. You will not have skin diseases or rashes, or toads in your bed. The world will just carry on. So do not make this into a big deal. This bill is fantastic for the people it affects, but for the rest of us, life will go on.

This is a promise with which I wholeheartedly agree. The world we live in is changing. It is no longer just white bread, meat and three veg. It is time that the federal legislature in Australia moved with it.

I have a very personal interest in this matter, as I said in my inaugural speech in this place. My own daughter is in a same-sex relationship. As it stands, the current Marriage Act discriminates directly against her and her partner, and as I said at the time:

It is as if, in the eyes of the law, they are second-class citizens, which they are certainly not. It is time for our society to truly accept that homosexuality is a reality and that homosexual couples should be able to have their relationship and their love recognised under secular laws, just as heterosexual couples can.

My daughter is a wonderful person with a beautiful heart and I have experienced the absolute pride of seeing one of my children marry his soul mate but, as the law stands, my daughter is not able to experience that same right. As a father, I love my children equally. It is unfortunate that in Australia the same cannot be said in terms of equality. If my daughter chooses to wed, it is my dream that one day I should be able to escort her down the aisle, and it is my dream that I should be able to ensure that the right to make that choice is hers and hers alone.

Anybody who witnessed that historic occasion when the Marriage (Definition of Marriage) Amendment Bill was passed in the New Zealand House of Representatives on a vote of 77-44 will know that it was a momentous shift our neighbours have taken towards a more inclusive, equal and just society. I congratulate those members of the New Zealand parliament who had the foresight and courage to pass the bill, and I commend this motion to the house.

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

CRIMINAL LAW CONSOLIDATION (PROVOCATION) AMENDMENT BILL

The Hon. T.A. FRANKS (16:24): Obtained leave and introduced a bill for an act to amend the Criminal Law Consolidation Act 1935. Read a first time.

The Hon. T.A. FRANKS (16:25): I move:

That this bill be now read a second time.

This bill comes as no surprise to some members of the government and the opposition, as I wrote to the Attorney-General, the shadow attorney-general, the Premier and also the Leader of the Opposition about this issue in August 2012. For the benefit of other honourable members, of course, I will go into great detail here in my second reading speech.

This bill seeks to remove the homosexual advance test, an archaic law with dangerous consequences that has no place in the South Australia of 2013. Often termed the 'gay panic defence', in South Australia this homosexual advance defence can be employed as a partial defence to murder, under common law replacing a murder sentence with a manslaughter charge. It is a law that fails to reflect community attitudes that both homophobia and murder cannot and should not be tolerated and that homophobic violence should never be rewarded.

The gay panic defence was first applied in the case of Green v The Queen 1996. In this case, the man Green stabbed his friend to death with a pair of scissors after an unwanted, non-violent sexual approach. Although Green was initially sentenced to murder this was later appealed, based on the claim that his friend Gillies had provoked the violence. The defendant claimed that the deceased had climbed into bed with him and touched him around the buttocks and penis. The defendant killed the deceased by hitting him 35 times, banging his face against the wall and stabbing him 10 times with the scissors.

The High Court found that the law of provocation should have been considered and ordered a retrial. At the retrial Green was found guilty of manslaughter and sentenced to 8½ years in gaol. During the case, Justice Smart described the deceased's actions as 'revolting' and akin to 'provocation of a very grave kind' that would cause 'some ordinary men [to] feel great revulsion' to the extent that an 'ordinary man' would have reacted in this way.

This begs the question: would a non-violent, heterosexual advance made by a woman towards a man or by a man towards a woman be described as similarly revolting, enough to warrant a murder? Absolutely not. Justice Michael Kirby of the High Court, dissenting, disputed the view, stating that an 'ordinary person...is not so homophobic as to respond to a non-violent sexual advance by a homosexual person [by forming] an intent to kill...' Homophobic violence cannot and should not be tolerated, yet the laws in South Australia—and, unfortunately, in New South Wales and Queensland—lag behind and continue to facilitate and give succour to this kind of violence.

Unfortunately, the landmark case of Green v The Queen was not an isolated incident, and the murder of Queensland man Wayne Ruks in 2008 sparked a huge community outcry and a campaign to see the law changed in that state. Wayne Ruks was violently beaten and left to die by two men who claimed he made an unwanted sexual advance. Both men relied on the gay panic defence and had their murder charge reduced to manslaughter.

What this law suggests is that a non-violent, homosexual advance somehow differs so drastically from a heterosexual advance that a homosexual advance can be considered so abhorrent that it provides a defence to murder, while the heterosexual advance can lead to no such defence. This law dangerously suggests that if a man beats another man to a pulp and leaves him for dead he is no murderer; rather, that an ordinary person test would find that he acted as an ordinary man would in the circumstances. Certainly there are situations where a defence of provocation should be applied. We have probably all heard of battered woman syndrome in this place, where a female defendant has killed her partner after sustaining ongoing abuse and violence, yet the kind of non-violent advance covered in the gay panic defence cannot and must not be compared with these sorts of horrific violent acts.

I believe that the community and parliaments throughout the country agree. Both in Australia and internationally, the community is quite rightly outraged that is outdated, homophobic provocation defence continues to exist in some jurisdictions—not all jurisdictions, I am happy to say. In fact, Tasmania became the first Australian jurisdiction to abolish the provocation defence in 2003, with Victoria and Western Australia following suit in 2005 and 2008 respectively, while the Northern Territory and ACT have amended the offence to exclude non-violent sexual advances such as the gay panic defence from their provocation defences.

While the action that was progressing under former premier Anna Bligh in Queensland seems to have stalled in that state under the new Premier, in New South Wales, the only other jurisdiction along with Queensland and South Australia where the defence remains, I am happy to say the issue has been the subject of an extensive inquiry. This inquiry, in the past few days, has found that this archaic defence has to go.

In fact, in a rare display of cross-party unity that saw openly gay and what were termed by the *Star Observer* as 'left-wing parliamentarians'—I am not necessarily sure whether I will get into their politics—working with such longtime gay rights opponents, such as the Reverend Fred Nile, the Select Committee on the Partial Defence of Provocation recommended that state parliament amend the Crimes Act in New South Wales to:

> ...ensure that the partial defence is not available to defendants who respond to a non-violent sexual advance by the victim.

The New South Wales Attorney-General handed down a similar recommendation in 1998, but the committee expressed optimism that, in fact, this time the proposed reports, which do have such widespread support in that parliament, would soon become law in that state. It is hoped that the extensive work that they have undertaken will in fact be a guide to our Attorney in this state, and I would certainly hope that all members of parliament pay some mind to that inquiry.

Even National MLC and committee deputy chair Trevor Khan reserved special praise for the long and sustained work of the New South Wales gay and lesbian lobby, which campaigned for this law for over 15 years, so I congratulate them on that. I certainly hope that South Australia does not need such an extensive campaign and processes to similarly follow suit. It is high time that we did something about this law in South Australia.

We know it is within the power and even the duty of a parliament to reflect society's attitudes on issues such as racism, sexism and homophobia. I believe that we cannot be tolerant of those things and that we should never allow those things to be upheld as a defence to violence or murder. It is a sad state of affairs when the community has to petition parliament to keep up with community standards in that way, but that is indeed what we are seeing.

I note that the campaigning site change.org has done extensive work on this issue, targeting the Queensland and New South Wales parliaments. In fact, in Queensland as of this afternoon, there had been 217,953 signatures to the petition to see the law changed in that jurisdiction. The signatures do come from people across Australia, and I draw your attention to just a few of their comments. Damien Quick from Adelaide writes:

> This is an absolutely disgusting legal defence that completely contradicts the 'Rules of Law' and is very open to being abused by homophobic members of our society. This essentially legalises 'gay bashing' and has absolutely no place in society with reference to any person, ever. This kind of backward-thinking, discriminatory legislation must be removed from our legal system. So much for the ideal of 'all humans are equal'.

Avril Young of Melbourne writes:

> This law is incomprehensible. Murder is murder and should be punished accordingly. A person's sexual orientation should have no bearing on a case, be they victim or perpetrator.

Andrea Leong of Randwick writes:

> That the 'gay panic' defence exists is a particularly disgusting example of discrimination. If a woman expresses interest in a straight man (or vice versa), and the interest is unwanted, is it okay to kill her for her misplaced affections?

It seems many Australians are singing from the same song sheet on this one, saying it is simply absurd, offensive and homophobic that our legal system should suggest that it is somehow reasonable for a man to beat a gay man to death because of an unwanted sexual advance.

As noted by the Queensland Law Reform Commission recently, it is difficult to understand why the law should justify the killing of someone in response to a non-violent homosexual act. While some might argue that this is just one of those legal defences that sits in common law and is hardly ever applied in practice, the recent case of Wayne Ruks suggests that if this defence is available it can and will at some stage be drawn upon as a defence to murder. We must avoid a similar situation here in our state.

By taking action to change this outdated and, quite frankly, offensive common law precedent, we will be going a long way to doing the job we have here to represent all South Australians. It is time to amend the Criminal Law Consolidation Act so that this archaic common law principle does not apply—just as parliaments have done in the Northern Territory, the ACT and, indeed, in other states.

In voting on this bill, it is worth considering what kind of message the existing gay panic defence sends to a young South Australian who may be coming to terms with their sexuality. What kind of message does this send to that part of the community about their worth as citizens? What kind of message does it send to all the other members of our community?

Through this defence, the law is legitimising homophobic violence and sending a clear signal that this kind of behaviour is somehow excusable. This parliament, I believe, will not tolerate homophobic violence. I believe that a non-violent homosexual advance made by one man towards another should never provide a defence for murder.

People in Australia and overseas are surely shaking their heads and wondering how it can be that in 2013 in South Australia this defence continues to exist. It is a sad state of affairs when the community, as I say, has to be petitioning parliament to have this law changed. I would have hoped that such a law, even under common law, would have been removed long ago.

It is timely then to reflect, while this gay panic defence has no place in our state in the year 2013, how far we have come. It is not lost on me that next week will mark the 41st anniversary of the murder of Dr George Duncan, a murder that took place, of course, only a few hundred metres from where I stand now in this very parliament. It was 41 years ago that Dr George Duncan was callously and brutally murdered for the simple act of having been born; in fact, he was then 41 years old himself.

He had committed what was then seen as the unforgivable crime of being born a homosexual and so he and his companion, on that night 41 years ago, were ambushed and thrown into the River Torrens. His companion escaped, but the Adelaide University professor was not so lucky. He had suffered tuberculosis and had only one lung. The river proved too much for him and he drowned.

His murderers, who were later revealed to be vice squad police officers who made a habit of harassing and attacking homosexuals on the notorious River Torrens beat, escaped prosecution. They have never been brought to justice for Dr Duncan's murder. We know their names. We expect that there was evidence of a cover-up, and we are pretty sure we know that they got away with it. For those born after 1975, and certainly many of those born before, it is really difficult now in 2013 to comprehend that homosexuality used to be illegal—not just frowned on or discriminated against or laughed about but punishable with up to 10 years in gaol.

An act between two consenting adults was considered such a threat to our society that we were prepared to gaol innocent people simply because—to borrow one of the bigoted phrases of the time—they happened to like Arthur more than Martha. In South Australia, the murder of Dr George Duncan changed this attitude. Of course, I believe it acted as a crucible for a tide of opinion that was already changing.

Beginning with the decriminalisation and ending with full legalisation in 1975, South Australia proudly became the first state to legally recognise homosexuality—and, of course, all that took was the brutal and callous murder of an innocent man and three years of political infighting in

this place. Sarcasm is intended, for the avid readers of *Hansard* at this juncture. However, I believe that it was a huge victory and we deserve to feel proud, but I fear that since then as a state legislature we have turned our back on that proud, progressive social change. We have thought, perhaps, that we achieved the one thing and that we could rest on our laurels. We still do not have equality.

After those heady days of social reform under Don Dunstan, what has South Australia, or indeed Australia, really done, other than cast a hand over the superficial veneer of equality and declare our job to be over? Despite our state's reputation as a leading, progressive legislature and a reformer in these areas of sexuality, we are in fact no better, if not worse, in the year 2013. We have achieved change, but we are still a long way from progress. After being the first state to legalise homosexuality, South Australia won the race to the bottom on human rights and became the last state to grant full legal rights to same sex couples in 2006. We remain the wooden spooners on so many areas of gay law reform now in this country, being the last state to recognise the rights of lesbian coparents, with the passage of my bill, co-sponsored by the member for Unley, David Pisoni, and in fact recognise coparents on the birth certificates of their own children.

Years after other jurisdictions have acted, it is shameful that we are currently the only state in Australia that does not allow lesbians and single mothers to have access to IVF, unless they are medically infertile. That measure of course has passed this place and currently awaits a vote in the other place. I acknowledge the hard work of minister Ian Hunter and those Social Development Committee members who undertook the inquiry into same-sex parenting in our state. I am deeply hopeful that, even as soon as this week, we may see that situation changed and have progress for those women.

Dr George Duncan was murdered because of the normalisation of society's intolerance, bigotry and hatred. The gay panic defence is a vestige of that time. When this normalisation of bigotry often went unchallenged and unquestioned, he was thrown into a river and left to drown, and after his body was retrieved he suffered the further indignity of being thrown back in so a TV news camera could record the rescue. Those who murdered him were never brought to justice, such was the lack of dignity and the lack of value accorded his life and, indeed, his death. Forty-one years after that fateful night we will next week commemorate the murder of that man, and I certainly invite any members who wish to come along to attend next Friday down on the River Torrens.

There is no doubt, however, that four decades on our attitudes as a society have changed, and attitudes in this place have changed. Then why is it that, four decades on and so many years after the act of homosexuality is no longer deemed illegal, the gay panic defence remains an option for a man who murders another man this state? This bill that I introduce today is a sign that we as a parliament do not support homophobia but support not only change but progress. This bill will ensure that a young gay male student studying law will no longer learn in his first year at university that his life is somehow lesser than his straight brother or friends. He will learn instead that we in the year 2013 consign this defence to the dustbin of history. On that, I thank Robert Simms, who was once that young law student who discovered this and who did a lot of the work today, and certainly has done a lot of research for my office on this issue.

I am hopeful that my colleagues will support this bill I have introduced for debate today, and hope that we as a parliament can work cross-party and crossbench to send a strong message to the South Australian community that we will simply not tolerate homophobic violence. With that, I commend the bill to the house.

Debate adjourned on motion of Hon. Carmel Zollo.

NURSING SHORTAGE

The Hon. T.A. FRANKS (16:44): I move:

That this council—

1. Notes the long-term modelling forecasts provided by Health Workforce Australia that suggest there will be a national shortage of 109,000 nurses and midwives by 2025;

2. Is concerned that only 50 per cent of South Australian nurses who graduated in 2012 were employed by the state's public health system;

3. Urges the Weatherill Labor government to respond by budgeting for more graduate jobs for nurses and for specialist skills development given the loss of experienced nurses that we face in the future; and

4. Calls on the Weatherill Labor government to urgently address both the long-term nursing shortfalls forecast and the current graduate employment figures that risk worsening nursing attrition rates.

In moving this motion, I note that I am reacting to what are startling figures. Australia's largest health union, Health Workforce Australia, has predicted a shortage of 109,000 nurses and midwives by 2025. The Australian Nursing and Midwifery Federation (ANMF) reports that in South Australia alone we will be 25,000 nurses short by that same year of 2025 as a result of the baby boomers who will retire over the next five to 10 years.

In the same report, Health Workforce Australia raises other issues which it says require nationally coordinated reform, including (1) a maldistribution of the medical workforce resulting in less accessible services for Australians living in rural, remote and outer metropolitan regions; (2) bottlenecks, inefficiency and insufficient capacity in the training system; and (3) continued reliance on what it describes as poorly coordinated skilled migration to meet essential workforce requirements. That last point is of particular note.

The ANMF says that only half of the nurses who graduated last year, in 2012, were employed by the state's public health system, yet at the same time we have been hearing consistently about long-term shortages. In fact, the CEO of the ANMF, Elizabeth Debars, says a temporary oversupply risks an even greater shortfall in the long term. She says:

> There is a temporary oversupply of graduating nurses and midwives (approximately several hundred p/a). We fear that the failure to employ them into a Transition to Professional Practice Program—TTPP (like an internship for Doctors) and the subsequent failure to employ them once they complete that program will mean that they will be forced to pursue other careers. They will leave SA without adequate numbers and adequately skilled [nursing] workforce. We will not be able to look interstate for alternatives because the other states are experiencing the same issue. Nurses and Midwives are essential to provide health care to the community (representing at least 70% of that health workforce).

The ANMF says that these figures are leaving graduate nurses feeling incredibly vulnerable and that the overarching theme is that people feel passionate about nursing and midwifery and they decide to study both for that passion and for the fact that there is a nursing shortage, yet they are completing their studies and are not being employed. They are deeply distressed when they are forced to seek alternative employment in order to pay their mortgage or the rent or to keep food on the table.

There is also a second group in this cohort who have completed their TTPP but they cannot gain permanent employment. They are instead, if they are lucky, being employed on a casual contract basis. This is not helpful to their continuing growth and skills development as a nurse or a midwife. Certainly, this has been an ongoing campaign of the ANMF, and I thank them for that work. You would expect no less of the union for this industry than it would raise such an issue, but it has also enabled its members and potential members to have their voice heard in this debate. I draw members' attention to the words of those who are most affected by this situation. Merryann states:

> ...I am in my last year of university and I will need a job. I spent a lot of money to undertake this step of becoming an RN and the government do not see the big picture...I have been an EN for a long time and have undertaken lots of study. Come on Australia support the nurse already working and the new RNs who will be looking for a job in the future.

Helen says:

> Let's give jobs to our new grads here in Australia. Nothing against overseas nurses, they are great, but our new grads should come first.

Kat says:

> ...Australians need to be aware of the state of their health system and have an input in securing the nursing staff they will no doubt require in the years to come!

Dianne says:

> The current situation is very stressful for everyone as it is obvious we want to work, and have worked...towards our degrees....My employee who I have been employed with as an EN for the previous 7 years cannot offer me permanent work, only casual. This is, in part, due to Enrolled Nurses being accredited to perform tasks previously only designated to registered nurses. While I have this casual work, there is not enough so I have joined an agency.

Aliesha states:

I finished UNI in July this year and have applied interstate and at other hospitals in Queensland where I have done my degree. I really hope that we can keep the spotlight on the plight of graduate nurses. There are many graduates I know in Queensland who have been unable to secure jobs after completing their degree. Something has to be done. I am ready to work and am willing to go anywhere.

Julie also states:

I completed my EN two years ago and I didn't have the opportunity of a graduate position in the hospital as they said there were no positions. It is very sad. I am still doing carer shifts as the EN shifts in aged care are far too demanding and short hours. Regulations should be made for nurse-patient ratio in aged care and nurses on the floor, not off doing paperwork.

There is a lot of angst in the community and certainly in the past few years I have met with graduate nurses who want to work in this industry, who are trained to work in this industry, and have found to their dismay there are not the opportunities that they thought there would be. The government must respond to this crisis by budgeting for more graduate jobs for nurses and midwives. This has to include a skills development program. It is a matter of urgency. We all know that there is an enormous impost on the health budget in this state but if we do not get this right, we will pay the high cost in the future of losing these graduates to a sector that we also desperately need. With that, I commend the motion to the council.

Debate adjourned on motion of Hon. Carmel Zollo.

WORK HEALTH AND SAFETY ACT

The Hon. R.I. LUCAS (16:51): On behalf of the Liberal Party, I move:

That the codes of practice under the Work Health and Safety Act 2012, made on 20 December 2012 and laid on the table of this council on 19 February 2013, viz Construction Work Code of Practice, Preventing Falls in Housing Construction Code of Practice, and Safe Design of Structures Code of Practice, be disallowed.

My colleague the member for Davenport has carriage of this issue within the Liberal Party and the party has agreed to the proposed action outlined in the motion. As members would be aware, during the detailed debate of the work health and safety legislation, one of the key aspects was concerns being raised by many stakeholders, industry groups and members of parliament about the proposed codes of practice.

I think the minister finally conceded that there were up to 40 of these codes and, as the stakeholders indicated, they accounted for some hundreds of pages of requirements on industry. The government's preferred position was that all of these codes of practice could just be imposed on industry as long as the minister and his advisers agreed. That was seen to be a deeply flawed position and this parliament in its good sense required that the parliament have some say or some opportunity that if the minister decided to impose unreasonable requirements upon industry and stakeholders in South Australia and, if the parliament felt strongly about that, then the parliament could (as it does with regulations) disallow the codes of practice. There are also other amendments which are related to some codes of practice going to the Small Business Commissioner as well.

Therefore, this is the end result of that very wise decision taken by the parliament in relation to the codes of practice because now that industry has seen some of these codes, they believe that some clear commitments that were given to industry in relation to these negotiations and some clear commitments that were given to members of parliament in relation to these negotiations see the minister and the government trying to sneak through the back door significant changes to what had been promised and committed. So, for those reasons, we are seeking to have these particular codes of practice disallowed.

If the parliament disallows them, the wish of this parliament would be that the minister then engages (and SafeWork SA engages) in sensible negotiation with industry groups that are impacted by this particular code (or codes) and hopefully makes appropriate amendments to the codes, and they can then be reintroduced. Of course, if that does not happen, then the parliament still has the capacity to disallow those codes on a subsequent occasion as well. The Housing Industry Association on the 19 February this year wrote to the member for Davenport and indicated they had pointed out to the government the severe impact which these three codes, in particular, would have on housing affordability and the viability to the residential housing industry in the state.

Since that date, which was 19 February 2013, they have not received a positive response from the government and accordingly they drew these matters to the attention of the member for Davenport and indicated they would also raise the issues with other members of parliament as well. I propose to place on the record the detail provided to the member for Davenport in a memo

written by the Housing Industry Association on 19 March 2013 as to their concerns about these particular codes:

Fall from Heights Codes. Regulation 291 talks about high risk work and speaks of the requirements when a worker is engaged in high risk work. One of the categories that falls under regulation 291 is work above two metres. That immediately triggers the requirements of the regulation which are to prepare a SafeWork Method Statement. SafeWork SA has conceded that this requirement should go to three metres. HIA agrees with this. The difficulty is that this still leaves intact and unaltered the requirements of the Fall from Heights Code which in many places refers to requirements where the work is above two metres. Attached is a summary of the sections in the Fall from Heights Codes which references the two metres requirements which in turn will mean full scaffolding for single storey residential work and full edge protection for residential single storey work.

I note I do not intend to read all of those particular references to the codes in the provisions, but they are available. I think members have got them. They further state:

SafeWork SA is maintaining that the agreement to insert three metres does not apply to the Fall from Heights Code. In effect, this means that the concession would be meaningless as it would only require us not to do a SafeWork Method Statement until we reach three metres, but leave all of the other obligations intact.

I note that is directly contrary to the understanding of stakeholders and to some members of parliament—

The Hon. A. Bressington: And the minister.

The Hon. R.I. LUCAS: —of the commitment that the minister at the time, on behalf of the government, gave in relation to this issue. As I have always said, I never trust this government, I certainly never trust the individual ministers and I think this is just proof positive of why you cannot trust this government, you cannot trust ministers and former ministers, like the Hon. Mr Wortley, in relation to commitments that they gave on this issue.

The Hon. A. Bressington: On the radio, publicly.

The Hon. R.I. LUCAS: Well, it is not just on the radio and publicly but in this house, more importantly, in relation to these issues. That is why these codes must be disallowed. The second one is the design code, and I quote from the HIA memorandum:

This Code creates difficulties for residential construction when read with regulation 294 and 295. The requirement is that the designer will have to state in the design how the premises will be constructed so as to eliminate health and safety risks and give to the person who commissioned the design (the owner in many cases) a written report that specifies the hazards relating to the design of the structure so that this person is aware of the risks in construction, maintenance and demolition. While this is entirely appropriate for high rise construction, it is by far 'over-kill' where the person commissioning the project is a 'mum and dad', the structure is single storey and the vast majority of construction projects are of an exact similar nature. The process is likely to add $2,000 plus to the cost of the home. Previously to the National Code, South Australia had agreed to exempt Class 1 and Class 10 buildings from design obligations. This exemption does not appear in the National Code.

Clearly, the HIA's argument is that not only does it not appear in the National Code but it does not appear in the code that we are being asked to approve here in South Australia as well. Then, finally, the construction code and I quote from the HIA memo:

No other State has adopted this Code as it is entirely inappropriate for residential construction. Some of the issues about the Code are that it assumes a large construction site with a static workforce. It does not deal with a situation where there are multiple PCBUs on site, but where there is one controlling Construction Manager.

The issues are-:

- That the language is very legalistic and not suited for individual trades;
- The definition of when a construction project ends is not clear;
- Minor work is not defined but is referenced;
- The Code requires significant amenities to be on site e.g. hot and cold water washing facilities, more than one toilet, toilets with air locks, dining room facilities. All of which are OK for commercial sites but inappropriate for housing sites;
- It requires a register of persons onto site each day, display of evacuation procedures, emergency lighting and directional signs, exit routes to be identified. Again all relevant to a commercial site but not a residential site;
- There is a requirement for a WHS Management Plan but with no templates included;
- Refers to workplace induction for individual sites, tool box talks and risk assessment processes. All inappropriate for residential construction;

- Has extensive revisions for consultation of workers and requirements for informing workers of the Construction Safety Plan.

The language is designed for a large construction site where there is a Safety Management Team on site at all times with the knowledge and training of safety management rather than for ordinary tradespeople and there are no practical examples for residential construction of how to comply with the obligations.

That is the end of the memo. There is a very long attachment to it and I am not going to read that onto the public record. Again, members of the government and I am sure Independent and minor party members have been provided with that, and if they have not, they can get a copy of those attachments from the HIA.

The point that is being made is that what might be required and sensible for a large commercial construction site makes little sense, in many cases—not in all, but in many cases—in relation to an individual residential site in the suburbs of Adelaide. Some of the big builders in South Australia have template building projects in terms of their processes and projects in up to 300 or 400 sites across metropolitan Adelaide.

Clearly, there is not on all occasions an overall construction manager on site at all times on those sites. On a particular occasion, a plumber might be coming in the next day or two to do his or her job, and then the day after the carpenter might be coming in. Each of the individual trades, the brickies and others, will probably be there at varying stages, but you do not have a permanent on-site construction manager managing the whole project on each one of those individual 400 residential building sites throughout metropolitan Adelaide at any one time.

What the HIA have argued all along in relation to this is that there needs to be sensible consideration of the differences in terms of the construction industry. With large-scale commercial building projects—the new Royal Adelaide Hospital site, the Adelaide Oval site—clearly there are much more onerous, rigorous work health and safety requirements in relation to the practices on those sites. On individual residential building sites, clearly you still need to look after the work health and safety requirements, but they are different work health and safety requirements on those individual suburban worksites for residential construction.

They are the issues that the HIA have raised; they say they have run into a brick wall with SafeWork SA—it is like speaking to a brick wall. You put the issues to SafeWork SA, and, I think as a number of members in this chamber know from various parliamentary inquiries in which we have been engaged, that is not surprising. As members of parliament, we run into a brick wall with SafeWork SA on many occasions in terms of trying to get simple answers to simple questions. So you can imagine what it would be like if you are an individual builder trying to get some common sense in relation to the implementation of some of these requirements.

For those reasons, on behalf of the Liberal Party I urge members to give this motion appropriate consideration and hopefully to support it.

Debate adjourned on motion of Hon. Carmel Zollo.

MOUNT BARKER DEVELOPMENT

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

That this council:

1. Notes—

   (a) the report of the Ombudsman entitled Investigation into the Growth Investigation Areas Report Procurement laid on the table of this council on 5 March 2013;

   (b) the findings of the report in relation to conflict of interest, lack of probity, the integrity of the procurement process and other maladministration;

   (c) the additional reported comments of the Ombudsman to the media that he expected and hoped that the Independent Commissioner Against Corruption would investigate matters raised in his report; and

   (d) that the main operative provisions of the Independent Commissioner Against Corruption Act 2012 are yet to be proclaimed.

2. Calls on the government to proclaim the commencement of the remainder of the Independent Commissioner Against Corruption Act 2012 as soon as possible.

3. On the commencement of the act, refers the Ombudsman's report to the Office for Public Integrity pursuant to section 17 of the Independent Commissioner Against Corruption Act 2012.

4. Calls on the government to immediately release the Growth Investigation Areas Report as recommended by the Ombudsman.

(Continued from 20 March 2013.)

The Hon. CARMEL ZOLLO (17:05): I rise on behalf of the government to speak on the motion of the Hon. Mark Parnell. I will speak briefly about this motion because these matters have already been addressed by the minister in his ministerial statement of 19 March 2013. Regarding point 1 of the motion, the minister said, in his statement:

> It is of great importance that public faith in the planning process is strengthened by the government's response to the Ombudsman's report. The selection of Mount Barker as a growth area was evidence-based and was not criticised by the Ombudsman. I note the Ombudsman's findings that conflicts of interest in relation to the Mount Barker investigation were not properly managed. It is incumbent on me as minister to address this.

Additionally, the minister said in his statement:

> The Ombudsman has indicated to me that he has written to the Office of Public Integrity Establishment Team and provided a copy of his report, with a view to their consideration of what might be done about his expressed concerns regarding apparent maladministration.

In relation to point 2, I am advised that the commencement of the remainder of the Independent Commissioner against Corruption Act 2012 will occur as soon as possible. Justice Lander has made it clear in statements to the media that September is the earliest—the earliest, Mr President—he can commence work as the state's first Independent Commissioner against Corruption. The doors will open on 1 September. In relation to point 3, I reiterate that the minister said in his statement:

> The Ombudsman has indicated to me that he has written to the Office of Public Integrity Establishment Team and provided a copy of his report, with a view to their consideration of what might be done about his expressed concerns regarding apparent maladministration.

Regarding point 4, I direct the honourable member to the internet, where the GIA (I think its full name is the Growth Investigation Areas report) and other technical reports are all readily available. Once again, the minister said in his statement:

> Finally, having considered his report, I agree with the Ombudsman that the GIA report should be released. Accordingly, today I table the GIA report and all the technical working papers that were inputs into the development of the 30-year plan and the Mount Barker rezoning. These reports will confirm what the government has always maintained: that these were technical, analytical inputs into the 30-year plan and were not determinative of policy. Policy is determined by the government.

The Hon. D.W. Ridgway interjecting:

The Hon. CARMEL ZOLLO: Well, we are the government—a surprise to you, I am sure. The government sees little point in this motion now, as all matters raised by the honourable member have been addressed. I recognise that at the time of moving this motion these points had not been addressed; however, I would have thought that the honourable member would have noticed by now that they have been and that this motion is now redundant. As such, the government opposes the motion.

The Hon. D.W. RIDGWAY (Leader of the Opposition) (17:09): I rise on behalf of the opposition to speak to the Hon. Mark Parnell's motion, and I think it is appropriate to start with a little bit of background. Of course, it was a motion moved by myself that referred the procurement process and the probity arrangements around that to the Ombudsman. I would hope that the Hon. Mark Parnell gives me due credit in his summing up, because I think it is important to acknowledge, in this cutthroat game of politics, if it is your idea, you do like to actually get recognition for it. I would also like to again put on the record the actual work of the member for Kavel, Mark Goldsworthy, who—

The Hon. J.S.L. Dawkins: The Marvel from Kavel.

The Hon. D.W. RIDGWAY: As my colleague, the Hon. John Dawkins says, 'the Marvel from Kavel'. He is a very hardworking local member, and it was through his relentless pursuit of this issue in our party that we arrived at the position to refer it to the Ombudsman. I remind members that it was first the Hon. Mark Parnell's wish that we go to the ERD Committee, and then he amended his wish to have a select committee.

We know, as hardworking as the members of the Legislative Council are—we have some 13 or 14 select committees—that we would not be at this point of having a report completed and tabled if we had gone down the select committee path. I think that is important to remember.

I will just address the issues in relation to the motion. We have some similar sentiments, in one sense, to the government, because a lot of what has been requested in this motion has been delivered. Certainly, in relation to the motion to note the report of the Ombudsman which was laid on the table of this council on 5 March 2013—it has been noted. The Hon. Mark Parnell's motion also includes:

> (b) The findings of the report in relation to conflict of interest, lack of probity, the integrity of the procurement process and other maladministration;
>
> (c) The additional reported comments of the Ombudsman to the media that he expected and hoped that the Independent Commissioner Against Corruption would investigate matters raised in his report; and
>
> (d) That the main operative provisions of the Independent Commissioner Against Corruption Act 2012 are yet to be proclaimed.

We know all those things; there is nothing new in those things. I was a little concerned with points 2 and 3. I am pleased to hear—and I had forgotten that—the Ombudsman had written to the minister to tell him that he had sent a copy to the Office of Public Integrity, awaiting the final appointment, or the opening of the doors. I am not sure of the technical term, because Justice Lander has been appointed, but has yet to take up his role.

Members would be aware that parliament cannot formally refer something to the Office of Public Integrity or the Independent Commissioner Against Corruption—

The Hon. M. Parnell: Not straight to the ICAC.

The Hon. D.W. RIDGWAY: Well—and so, I would be concerned that we are starting to use the parliament before ICAC is even in place to be able to refer stuff. I am a little concerned that this could be seen as a formal parliamentary referral to the ICAC. So, I am very pleased that the Hon. Mrs Zollo has put on the record that the Ombudsman has advised the minister that he has sent a copy of his report to the Office of Public Integrity. I now refer to point No. 4, which states:

> 4. Calls on the government to immediately release the Growth Investigation Areas Report as recommended by the Ombudsman.

We have all been calling for that for some time. It has been released, and so it has just happened. The Hon. Mark Parnell said it happened the day before we debated this. It did not happen yesterday, when we were about to vote on it; it happened weeks and weeks ago.

The opposition is not going to oppose it, but we do think that largely what the Hon. Mark Parnell has called for in this motion has been covered in some shape or form. As I said, I reiterate our concerns. Within the Ombudsman's report, he does talk about the New South Wales ICAC, and a publication called 'Developing a statement of business ethics'. The Procurement Board responded to him by saying they would review their practices and procedures, and he certainly recommended that they do so. He is quoted as saying:

> I commend the New South Wales ICAC publication 'Developing a Statement of Business Ethics' as a guide.

I think that part of it, in one sense, within the Procurement Board may well be somewhat addressed if they are genuine in reviewing their practices and policies in line with that particular publication. I have to say I have not read that publication.

With those few words I indicate that we will not be opposing it. As I said, it is a bit like the government in that most of what honourable members have been looking for has been delivered. We are somewhat concerned and do not wish to see this as a formal parliamentary referral, so we are not going to oppose it. Perhaps the honourable member in his summing-up, when he gives me credit for the Ombudsman's report, actually makes—

An honourable member interjecting:

The Hon. D.W. RIDGWAY: —we might change our mind—makes some comment around it, given the statements made by the Hon. Mrs Zollo that the Ombudsman has sent a copy already to the Office of Public Integrity.

The Hon. M. PARNELL (17:15): To sum up, I thank the Hon. Carmel Zollo and the Hon. David Ridgway for their contributions, and I will refer briefly to both of them. I note that I made a lengthy contribution when introducing this motion and I have no intention of repeating the things that I said then. However, what I do need to draw to the attention of members is the fact that it was the very giving of notice of this motion that finally shamed the government into releasing the GIA report.

The order of service here was: the Greens introduce and give notice of a motion, and the government then some 2½ years after the Ombudsman first suggested that it should be releasing this GIA report finally releases it and puts it up on the website—and I acknowledged as much when I finally got to speak to my motion that Wednesday of sitting a few weeks ago.

Members might think that the final part of this motion, calling on the government to immediately release the Growth Investigation Areas report, is now redundant and I will not disagree. However, if someone wants to take up the time of the house by formally amending it they can do so, but I made the point the day that I first spoke to this that the government had been shamed into releasing that document and we now have it available.

However, where I cannot agree with the Hon. Carmel Zollo is that the basis of the Labor Party's position is that there is not much point in pursuing this any more because everything has now been done. Well, Mr President—no, it hasn't. As I said when I first spoke to this motion, the government is trying to do a Pontius Pilate here. It wants to wash its hands of it. The only argument that the government puts forward is that the Ombudsman told the government that he has in fact sent a copy already to the precursor to the ICAC and therefore there is no need for anyone else to do it.

Well, I will tell you what, the people of Mount Barker do not accept that and that is why their council unanimously sent it to the ICAC as well, and a number of individuals are sending it to the ICAC. This motion is effectively a referendum, if you like, for the upper house of this parliament to decide whether we think the allegations and the findings of the Ombudsman are important enough that we want to put on the record the fact that this chamber believes the ICAC should look at it as well.

In fact, the motion formally invites the council, and presumably the mechanics would be that the Clerk or the President would write to the Office of Public Integrity once the legislation has been fully proclaimed and that that is the precursor to the ICAC having a look at it. That is the appropriate process. I have followed section 17 of the act and I have also, for the Hon. Mr Ridgway's benefit, had a good look at the list of persons who can refer things to the Office of Public Integrity, and it does include either of the houses of parliament, so it is an appropriate thing for us to do.

However, what I do not think we should do is simply do what the government wants us to do and that is to wash our hands of it because we know the ICAC Commissioner will get to look at this because the council sent it to him, the Ombudsman sent it to him and now I think this house of parliament should send it to him as well. I think that this is still a very live motion and it does put on the record that this parliament takes this matter seriously.

However, there is one other practical reason why I think we should do it and that is that this council will be creating a relationship with the Office of Public Integrity and if we formally refer it to them, when they have dealt with it they will formally write back to us, just like they will formally write back to the Ombudsman because he sent it to them, and formally write back to the District Council of Mount Barker because they have sent it to him as well. If we are serious about pursuing this matter, and making sure the maladministration identified in the Ombudsman's report is properly investigated, we need to create that relationship ourselves.

So, I disagree with the Hon. Carmel Zollo: this is not a redundant motion and it is still worth our supporting it. For the benefit of the Hon. David Ridgway—he used the words 'not opposed'—if I am unsuccessful on the voices, it is my intention to divide, so the Hon. David Ridgway might want to take that into account and think about in which camp his party is. We have heard about the marvel from Kavel and the great work, allegedly, local members have been doing.

This motion will be looked at very carefully by the residents of Mount Barker, and they will want to see whether the party of their local representative in fact supports whether the ICAC, via the Office of Public Integrity, should look at this matter. I will insist that this motion goes to a vote if we do not get it on the voices, and I commend it to all honourable members.

The council divided on the motion:

AYES (13)

Bressington, A.	Brokenshire, R.L.	Darley, J.A.
Dawkins, J.S.L.	Franks, T.A.	Lee, J.S.
Lensink, J.M.A.	Lucas, R.I.	Parnell, M. (teller)

AYES (13)

Ridgway, D.W.	Stephens, T.J.	Vincent, K.L.
Wade, S.G.		

NOES (5)

Gago, G.E.	Kandelaars, G.A.	Maher, K.J.
Wortley, R.P.	Zollo, C. (teller)	

PAIRS (2)

Hood, D.G.E.	Hunter, I.K.

Majority of 8 for the ayes.

Motion thus carried.

NEWSTART

Adjourned debate on motion of Hon. T.A. Franks:

That this council notes that—

1. The recent federal amendments to the Social Security Act will further impoverish already struggling single parent families when their youngest child turns eight by moving from the parenting payment and on to Newstart over 100,000 single parents who were previously protected from the Howard government's Welfare to Work reforms;

2. Support for this move was at odds with both the Senate committee and the Joint Parliamentary Human Rights Committee which stated that it could 'deprive' single parent families and their children 'of minimum essential levels of social security'; and

3. This attack on single parents has drawn concern from the United Nations Special Rapporteur on Extreme Poverty and Human Rights.

(Continued from 20 March 2013.)

The Hon. G.A. KANDELAARS (17:28): I rise to give the government's position on this motion, which is to oppose the Hon. Tammy Franks' motion. In moving this motion, the Hon. Tammy Franks would have been well aware that the recent amendments to the Social Security Act are a federal matter and that the state government is not in a position to influence this process. As I understand it, the federal government continues to provide additional support for families whilst ensuring unemployment remains low. The federal government has introduced initiatives such as dad and partner pay as well as parental leave for the first time across the nation.

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 parent payments, will receive an income support bonus as part of the Gillard government's $1.1 billion battler bonus that comes into effect. The bonus will help households to cope with unexpected costs like urgent repairs on the family car or 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 single 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 the 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 if you are on a Seniors Card.

When this government was elected, energy concessions were $70 and had not been increased since the last Labor government. Yet, this government has consistently increased energy concessions and on 1 July last year we increased them to $165. In recent years the government has significantly increased other concessions for water, sewerage charges and the emergency

services levy. It is estimated that the government will provide funding of over $220 million in 2012-13 for concessions for eligible pensioners and low income householders to ease cost pressures.

On 1 July 2012 the following concessions were further increased: a $30 increase in the maximum and minimum levels of the water concession for owner occupiers and an $18 increase in the minimum and maximum concession for tenants, and a further 5 per cent increase in the sewerage and emergency services levy fixed property concessions. The total annual value of water, energy, sewerage and emergency services levy concessions will have increased by up to $291 or about 50 per cent over the period from 2001-02 to 2012-13. We also provided a one-off rebate for all SA Water residential customers of either $45 or $75 in the 2012-13 budget at an estimated cost of $45.7 million.

South Australia remains one of the most affordable places to live in Australia. Recent research by the National Centre for Social and Economic Modelling has shown that Adelaide is the most affordable major city in which to live in this country. Many of the greatest pressures on household budgets relate to matters outside the control of the government such as food prices and utility costs. Nevertheless, this government recognises that the cost of living pressures are putting strain on household budgets which is why this government has already committed to a raft of programs to support those in need.

We have increased a number of concessions, but we recognise that concessions alone are not the only answer. We have also established a raft of programs to support people, to reduce their utility usage and to be more efficient when consuming power and water. We have invested an extra $4.2 million over four years for utilities literacy support in an effort to reduce financial hardship caused by cost pressures for households on lower incomes.

We also recognise that for many South Australians housing is the single biggest cost they face each week and, while South Australia has the most affordable housing prices on the mainland, we appreciate that more can be done. That is why we have made an affordable place to live as one of our seven strategic priorities for our government. On that basis, the government opposes the Hon. Ms Franks' motion.

The Hon. R.I. LUCAS (17:35): Having listened to the contribution made by the Hon. Mr Kandelaars, I can only comment: how the mighty have fallen in relation to the old Labor lefties who were there from years ago, pledging to support the impoverished and single parent families. The old Labor lefties, like the Hon. Mr Kandelaars, who for a variety of reasons sold out and joined the Labor right, are now standing up in the parliament and defending what, over the years, they would have trenchantly opposed should it have been introduced by a conservative federal government. I guess everyone has their price, and the Hon. Mr Kandelaars and the Hon. Mr Wortley and others have their seats on the red benches in the Legislative Council.

The Liberal Party's position has been consistent on this. The only aspect of the Hon. Mr Kandelaars' contribution we do acknowledge is that this is a federal issue, and increasingly we are seeing more and more federal issues and international issues: the Hon. Mr Kandelaars is asking us to comment on New Zealand parliament issues in another motion. But putting that aside, the member for Morphett (Dr McFetridge) has had carriage of this for the Liberal Party. Having consulted our federal Coalition, he took a position to the state parliamentary party room, and our position was to support our federal Coalition colleagues on this, and on that basis we will not be supporting the motion of the Hon. Tammy Franks.

The only aspects I would address, in terms of the notes provided to me by, firstly, the member for Morphett (Dr McFetridge) and indirectly by our federal Coalition spokespersons, is to make the comment that if this federal government were genuinely committed to assisting parents back to work it would be providing additional assistance in terms of assisting those parents in finding work and seeking jobs. At the same time as this federal government has been making these changes, it has been slashing $162 million from Job Services Australia assistance for job seekers, and they have also cut a further $44 million from outcome payments for Job Services Australia providers.

If the intention was to actually move people into jobs—and that is something the federal Coalition supports in terms of genuine long-term reform—as opposed to just budget savings measures, in making this change the government would be either maintaining job seeker assistance for people being affected by these changes or increasing assistance in finding jobs. So if you are going to make a change ostensibly to say, 'Okay, we want to move individuals off a

particular benefit into a job and via a different benefit to get them into a job,' then at the same time, if that is your purpose, you should be at least maintaining job-seeker assistance, retraining packages or providing additional targeted training packages to assist that particular process.

Our federal Coalition position is to support the notion of getting more and more people off benefits and into employment. The Coalition's position—and it is supported by the state party—is that long-term generational unemployment and having to survive on benefits is not healthy for the individuals, the families and the long term. Clearly it is in their best interests if people can be moved out of benefits and into work.

Of course, that is affected by the health of the economy and I do not propose at the moment to talk about everything that is wrong with the federal and the state government's management of the economy and the fact that the jobs that should be there are not being provided at the moment—that is a debate for another time. Clearly you need other changes as well.

The final comment I would make of a personal nature is that, of course as individuals, I am sure most of us are sympathetic to the difficulties that individuals and families have in terms of surviving on benefits. The insensitive comments made by the federal Labor minister in relation to this issue which attracted much criticism is a further indication of a government and a party which has lost all touch with its former constituency.

It is no wonder that working-class Australians have lost faith in federal Labor and state Labor when you see such insensitive comments being made by a federal Labor minister, and I note no criticism of that from any member of the state Labor government here in South Australia. They are often out there tweeting or criticising comments made occasionally by federal Liberal spokespersons or state Liberal spokespersons, but not one tweet of criticism from anyone of the federal minister's insensitive comments in relation to the level of benefits and whether or not someone could live on those particular benefits on a particular day.

With that, I indicate the Liberal Party's position is to support the position the federal Coalition has adopted on this federal issue and we therefore will not be supporting the motion.

The Hon. R.L. BROKENSHIRE (17:42): I want to speak briefly to this motion because Family First has had a close look at it and I advise that we will be supporting the Hon. Tammy Franks.

I am surprised that a federal Labor government would have actually moved the way it has towards making it even more difficult for single parents. Whilst I know the federal Labor government and some others have argued that allegedly some single parents are just focused on having children and do not want to actually get into the workforce and so on and so forth, I think that it is fair to say that that would be a very small minority of people and that the absolute majority of single parents who are not in the workforce at the moment are not in the workforce because they are not in a position to be.

I want to put on the record an example. In particular, I use the example of a mother in this case, even though there are fathers who are subjected to domestic violence. The fact is that, sadly, it is generally women who are subjected to domestic violence. A mother may have tried her very best to keep the marriage together but, because of domestic violence, it is just impossible for her to do so, she then becomes a single parent with perhaps three or four children to raise. That is a fairly big ask. The fact is that, if that mother is then forced out into the workforce, those children will suffer more because, when they get home at night from school or day care or wherever they have been, the mother will, under the federal government's policy, have been expected to be in the workforce. We just do not think that is fair or reasonable in our society and with the strength of a country like Australia. It is not the fault of single parents that the federal government has made such a mess of the national budget.

That is how we see it. Obviously we want to encourage people into the workforce where appropriate, but we see this as being over the top. For those reasons we will be supporting the Hon. Tammy Franks, particularly at the moment, because anyone who has talked to people trying to get jobs will know it is probably one of the toughest job markets we have seen for a very long time. It probably will not get any easier in the near future; the problem will only be exacerbated and we will end up with a serious budget issue anyway, unless we get our economic policy and management right and start to grow job opportunities and the economy. This Labor government has clearly demonstrated, over seven years, that it fails.

The Hon. T.A. FRANKS (17:46): I would like to thank those who made a contribution. On behalf of the government it was the Hon. Gerry Kandelaars, and I noted that his speech was, in fact, almost word for word the contribution that the Hon. Russell Wortley gave to a different motion in this place. They are singing from the same song sheet on this but they are certainly not singing from a Labor song sheet as far as I can tell.

I also thank the Hon. Rob Lucas for his position. I did not necessarily expect Liberal members to support this motion, having been, at the federal level, the architects of Welfare to Work when, of course, once true Labor (as I would refer to them) opposed those measures. I also thank the Hon. Robert Brokenshire for his comments and Family First for their support. I note that the Hon. Ann Bressington has indicated strong support but, due to the time restrictions we have at the moment, has decided not to speak on this occasion. However, she has been very vocal, and I thank her for that support.

Members who actually read this motion and realised which motion they were speaking to—and I particularly draw government members' attention to this—would have understood that these are statements of fact. They are simply noting facts. It may be a federal issue, it actually may now be an international issue; it will certainly become a state issue as these people are pushed further and further into poverty. The most vulnerable people in our society, single-parent families, have not only been put into poverty but plunged into poverty. While it is welcome that the government has some so-called raft of measures to try to help them along, I think they will need a cruise liner when the impact of these policies takes effect, not just a raft.

What I would say to the government is that it also needs to look at its federal colleagues, and the words of those federal colleagues over the past months. Have a look at those members who have had the courage of their convictions. Doug Cameron has spoken out vehemently against this policy, saying he did not join the Labor Party to put single-parent families into poverty, and I doubt many people would have joined the Labor Party for that reason. Certainly, I believe Labor has lost its way on this.

There has also been strong and consistent opposition from Stephen Jones, member for Dapto, Queensland Senator Claire Moore and, I believe most notably, the former human services minister, the man who was responsible for implementing part of this policy, the man who was responsible for the departmental stuff-up that told these single parents to cut up their concession cards at the beginning of this year—erroneously told them to cut up their concession cards. He has come out against this policy now that he is no longer part of the cabinet and has to toe the party line. He has been hugely critical and I commend him for that, because he is actually being true to Labor values.

At a South Australian level, I also note the words of Tony Zappia, the member for Makin, who has written back to single parents. He has actually said that he does not support this change and is doing everything he can to fight against it. Certainly, he turned up a few weeks ago to support the single parents when they rallied on the steps of Parliament House here and, of course, across the country.

I commend those Labor members for actually being true to Labor values. To plunge single-parent families into poverty is not a Labor value. It was not the Labor values of the Hawke government, and it should never be a policy put into practice by any Labor government in this country.

I also draw the attention of the Rann-Weatherill government members to other members of their party who have had the guts to stand up for single-parent families, particularly Yvette Berry MLA, who is the member for Ginninderra in the ACT. Yvette Berry has put out a press release on this issue in the past two weeks in which she called on her federal Labor colleagues to reconsider their decision to cut the single-parent payment which took effect in January this year. She said in her press release:

> I know a lot of single mums and dads in my electorate, especially around West Belconnen, who are struggling to make ends meet and I think the cut is having an unnecessary impact on family's budgets
>
> The changes to the single parent payment mean that when a single parent's child turns eight, they lose their entitlement to the payment. This amounts to a reduction of approximately $100 a week.
>
> While I understand that the Government needs to balance their spending, I do not believe that this should come at the expense of those who are doing it tough in our community.
>
> I hope when the Budget comes around that my Federal colleagues can find a way to restore this payment.

This is a good Labor member standing up for what I believe is a traditional Labor constituency—a constituency who will leave you in droves if you leave them.

I have spoken to many single parents in the course of the last few months since these cuts have really started to make an impact. These cuts are having a massive impact in the community, and they will really start to kick in at a state government level when these people can no longer get by on the $35 they know they are left with to live on, which is, as federal minister Jenny Macklin has now conceded, pretty much impossible. It means that when one thing goes wrong, you are without the resources to have a life of dignity.

I draw members' attention to the story of Jasmine and her nan. Jasmine did not choose to be a single parent; she became single when, at three months' pregnant, she was being beaten by her partner. She knew that she had to get out of that situation because she would have miscarried had the beatings continued. She does not, therefore, get child support, and she does not want to apply to pursue the child support that she is owed.

She is looking at a very bleak future. Her youngest child is currently 18 months old, and her eldest is an eight-year-old child. He has ADHD and therefore she cannot get after-hours school care because that school does not accept children with behavioural disorders. Not every school, of course, has out-of-school-hours care. She actually has a rare form of cancer and needs spinal surgery and shoulder surgery. She has needed several operations, and when I last spoke to her, she was about to go into hospital for biopsy of a tumour and needed to be in hospital for three weeks.

Jasmine was relying on her nan. Her nan is over 70 years old and has had well over 20 operations on her back and knees. Jasmine's nan injured herself at work and did not qualify for WorkCover because it had not yet come in; there was no compensation for her 70-plus-year-old nan. Neither Jasmine nor her nan qualify for a disability pension. Jasmine cares for her nan and needs to shower her, and so on, yet her nan has to care for Jasmine's children while Jasmine is in hospital or receiving medical treatment. This is the situation you have put these people into.

Jasmine is just one story of many. I have seen children who fear turning eight because they know that their mums or dads will be so much poorer after that eighth birthday. These children are stressed, these people are stressed, and it is a Labor government who is putting them under this stress. It is no wonder that the United Nations is paying attention to this.

What is of absolute wonder is the fact that the Rann-Weatherill government cannot even bring itself to support a motion that simply notes the facts: the fact that these people are in poverty; the fact that the parliamentary committee that inquired into this was unanimous in its opposition to this move. It had Labor members, it had Liberal members, it had crossbench members and each and every single one of those people in that human rights parliamentary committee opposed this motion—the fact that the United Nations is concerned. If you cannot bring yourself to even support a motion that simply notes the facts, I fail to see how you are going to be able to do anything to support these people as they are plunged further and further into poverty as this policy really starts to kick in.

Today is May Day and it is a proud day for the labour movement. However, what I ask Labor members today is: whose side are you on because you are not on the side of single parents here today? You are singing from the wrong song sheet, you have lost the light on the hill and you need to take a good hard look at yourselves.

With that, I commend the motion to the chamber—and I will divide on it because I would like to see you all have your names listed as to where you vote on this particular motion. I think single parents across the country would like to see it, and I think Labor voters in general would like to see it.

The council divided on the motion:

AYES (6)

Bressington, A.	Brokenshire, R.L.	Darley, J.A.
Franks, T.A. (teller)	Parnell, M.	Vincent, K.L.

NOES (13)

Dawkins, J.S.L.	Gago, G.E.	Hunter, I.K. (teller)

NOES (13)

Kandelaars, G.A.	Lee, J.S.	Lensink, J.M.A.
Lucas, R.I.	Maher, K.J.	Ridgway, D.W.
Stephens, T.J.	Wade, S.G.	Wortley, R.P.
Zollo, C.		

Majority of 7 for the noes.

Motion thus negatived.

RESIDENTIAL TENANCIES (MISCELLANEOUS) AMENDMENT BILL

The House of Assembly agreed to the alternative amendment made by the Legislative Council to its amendment No. 2, to which the House of Assembly had disagreed, without amendment.

TAFE SA (PRESCRIBED EMPLOYEES) AMENDMENT BILL

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

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) (18:01): 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 *TAFE SA Act 2012* was brought into operation on 1 November 2012.

This Bill is a consequential Bill to the *TAFE SA Act 2012*, which established TAFE SA as a statutory corporation.

This Bill has two purposes.

The first is to preserve the provisions of the *Technical and Further Education Act 1975* that relate to the employment of officers under that Act by including them in a new Schedule attached to the *TAFE SA Act 2012*. Under the *TAFE SA Act 2012*, these officers were transferred to the employment of the Chief Executive of TAFE SA and are now referred to as prescribed employees. The transfer of employment was provided for under the *TAFE SA Act 2012*, in a manner which preserved the terms and conditions of employment which applied to these employees prior to the commencement of the *TAFE SA Act 2012*. The statutory employment provisions of these prescribed employees will be included in an amended form that ensures that those provisions, without substantive amendment, fit into the structure and mechanisms used in the *TAFE SA Act 2012*.

The second purpose of this Bill is to repeal the *Technical and Further Education Act 1975*, which has been replaced by the *TAFE SA Act 2012*. The repeal is a consequence of the establishment of the statutory corporation of TAFE SA, which now provides for the technical and further education needs of South Australia and replaces the system of colleges provided under the *Technical and Further Education Act 1975*.

Passage of this Bill will give greater certainty in relation to TAFE SA 'prescribed employees' terms and conditions of employment provided under legislation, and will tidy up various associated references in other Acts.

This Bill will replace the *Statutes Amendment and Repeal (TAFE SA Consequential Provisions) Bill 2012*, which the Government has been unable to pass through the Parliament.

In summary, as a consequential Bill to the *TAFE SA Act 2012*, this Bill ensures that the transition to the new TAFE SA statutory corporation is as comprehensive and seamless as possible.

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 *TAFE SA Act 2012*

4—Insertion of Schedule A1

This clause relocates certain provisions in the *Technical and Further Education Act 1975* to the *TAFE SA Act 2012*. The amendments that have been made to these provisions are technical and not substantive. These provisions will deal with conditions of employment for prescribed employees.

Schedule 1—Repeal and transitional provisions

Part 1—Repeal of *Technical and Further Education Act 1975*

1—Repeal of Act

This clause repeals the *Technical and Further Education Act 1975*.

Part 2—Transitional provisions

This clause will provide for transitional provisions relating to various references in other Acts that are relevant to prescribed employees and TAFE SA.

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

[Sitting suspended from 18:02 to 19:45]

WATER EFFICIENCY LABELLING AND STANDARDS (SOUTH AUSTRALIA) BILL

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (19:46): Obtained leave and introduced a bill for an act to apply the Water Efficiency Labelling and Standards Act 2005 of the commonwealth as a law of this state; to repeal the Water Efficiency Labelling and Standards Act 2006; and for other purposes. Read a first time.

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (19:47): I move:

That this bill be now read a second time.

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

Leave granted.

This bill applies the *Water Efficiency Labelling and Standards Act 2005* (Cwlth) (as amended) as a law of the State and repeals the existing *Water Efficiency Labelling and Standards Act 2006* (SA).

As required by the *Water Efficiency Labelling and Standards Act 2005* (Cwlth), an independent review of the Water Efficiency Labelling and Standards scheme, or WELS scheme, was conducted in 2010. The Standing Council on Environment and Water, comprising environment ministers from the Commonwealth, State and Territory governments subsequently agreed to most of the recommendations relating to improvements to the scheme and the Commonwealth Act.

The WELS scheme was established by the *Water Efficiency Labelling and Standards Act 2005* (Cwlth) as part of the Council of Australian Governments' National Water Initiative.

The WELS scheme is supported by complementary State and Territory legislation to ensure comprehensive national coverage.

Products currently in the scheme include clothes washing machines, dishwashers, showers, toilets and tap equipment. All of these products must be registered and labelled with a water efficiency rating. The scheme currently also sets minimum water efficiency standards for toilets and clothes washing machines.

WELS labelling plays an important role in consumer purchasing decisions and has received widespread support from the industries affected by it. Furthermore, the WELS scheme has improved information for consumers about the performance of water-using products and the link between water saving and cost saving, increased registration and sales of products with an efficiency star rating of 4 or above, introduced minimum water efficiency standards for washing machines and reduced urban water consumption across Australia. Information from the WELS scheme is also used in State and Territory building and planning arrangements and to support product rebate schemes.

Changes to registration and fee arrangements will deliver improvements not only for the scheme's administration, but also for industry. The improvements include simplifying and streamlining product registration processes so that these are easier for registrants, and providing a common expiry date for all registrations so that retailers will know when the registrations of products they supply are due to expire.

By repealing the *Water Efficiency Labelling and Standards Act 2006* (SA) and applying the *Water Efficiency Labelling and Standards Act 2005* (Cwlth) (as amended) as a law of the State, this Bill will reduce the need to amend the State legislation should further amendments occur in future.

New South Wales and Tasmania have taken this approach with their corresponding Bills and Victoria and Western Australia are considering this approach as well.

The Bill will also enable the Commonwealth Minister, through a disallowable ministerial determination, to determine more of the detailed arrangements for the scheme than previously. This will make it easier for the scheme to be modified from time to time to improve its efficiency and effectiveness, particularly in relation to the registration of products without the need to amend supporting State and Territory legislation. Previously, any minor change to legislation (even a typographical error) required agreement from all jurisdictions. This reduced the effectiveness of the Act and created a significant amount of unnecessary work. All States and Territories will still need to agree to the terms of the scheme, or to any variation of the scheme (other than a variation to remove an ambiguity or uncertainty, or to correct an error) before the legislative instrument is made.

This Bill will ensure that the State legislation consistently applies the Commonwealth's definition of supply to include the wider range of ways in which WELS products are supplied, such as the supply of WELS products in or as part of new dwellings such as display homes, renovated kitchens, laundries or bathrooms, or through service provision such as plumbing service contracts. This is intended to provide a regulatory environment which has more equal application to the various suppliers of WELS products (as previously only those in the retail supply chain were explicitly covered by the Act). It is also intended to ensure that consumers who are buying WELS products as part of another item are made aware of the water efficiency of those products at the time of purchase. This change is intended to make the WELS scheme more efficient, effective, fair to all registrants and informative to consumers.

By aligning this Bill with the Commonwealth Act, the roles and function of the Regulator are made nationally consistent. Furthermore, civil penalties and corresponding criminal offences provide alternative enforcement options to criminal offences, ensuring that responses can more closely reflect the nature and circumstances of the breaches.

This Bill will ensure that the evidential burden of proof for civil contraventions aligns with the Commonwealth Act and improve the regulation of the Act. Without this, it could be a long and difficult process for the Regulator to prove that the product is or is not registered, impacting the ability for the Regulator to efficiently implement the Act. This is considered reasonable as registrants and suppliers are required to keep records under the WELS standard.

This Bill addresses industry's concerns about compliance and enforcement activities, cost effectiveness and people 'free riding' off of the WELS scheme as well as contributing to the efficient and effective operation of the WELS scheme.

Furthermore, the Bill will create a consistent national approach and achieve positive environmental impacts such as:

- conservation of water supplies by reducing water consumption;
- provision of information for purchasers of water-use and water-saving products; and
- promotion of the adoption of efficient and effective water-use and water-saving technologies.

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

These clauses are formal.

3—Interpretation

This clause defines certain terms used in the measure. In particular, the *applied provisions* are defined as being the Commonwealth water efficiency laws that apply as a law of the State because of the measure.

4—Object of Act

This clause sets out the object of the measure which is to adopt in this State a uniform Australian approach to the regulation of water efficiency labelling and standards.

Part 2—The applied provisions

5—Application of Commonwealth water efficiency laws to this State

This clause provides for the application of the Commonwealth water efficiency laws as a law of the State.

6—Modification of Commonwealth water efficiency laws

This clause allows the regulations to make modifications.

7—Interpretation of Commonwealth water efficiency laws

The *Acts Interpretation Act 1901* of the Commonwealth is to be the applicable interpretation law.

Part 3—Functions and powers under applied provisions

8—Functions and powers of Commonwealth Regulator and other authorities and officers

The Commonwealth Regulator and other authorities and officers referred to in the applied provisions have the same functions and powers under the applied provisions as they have under the Commonwealth laws.

9—Delegations by the Commonwealth Regulator

This clause gives effect to delegations by the Commonwealth Regulator for the purposes of the applied provisions.

Part 4—Offences

10—Object of this Part

The object of the proposed Part is to treat offences against the applied provisions as if they were offences against the Commonwealth laws. The clause also outlines examples of the purposes for which an offence can be treated as a Commonwealth offence.

11—Application of Commonwealth criminal laws to offences against applied provisions

This clause provides that the relevant Commonwealth laws apply as a law of this State in relation to the applied provisions. The clause also provides that an offence against the applied provisions is not to be taken to be an offence against the laws of this State.

12—Functions and powers conferred on Commonwealth officers and authorities relating to offences

Commonwealth officers and authorities have the same functions and powers in relation to offences under the applied provisions as they have under the relevant Commonwealth law.

13—No double jeopardy for offences against applied provisions

This clause ensures that if a person is punished for an offence against the Commonwealth laws, they are not punished for the same act or omission under the applied provisions.

Part 5—Administrative laws

14—Application of Commonwealth administrative laws to applied provisions

Commonwealth administrative laws apply to any matter arising out of the applied provisions, except where the administrative law purports to confer jurisdiction on a federal court, or as stipulated by the regulations.

15—Functions and powers conferred on Commonwealth officers and authorities

Commonwealth officers and authorities have the same functions and powers under the applied provisions as they have under the Commonwealth administrative laws.

Part 6—Miscellaneous

16—Act to bind Crown

The measure binds the Crown.

17—Things done for multiple purposes

This clause provides that the validity of an act, licence, certificate or other thing issued, given or done is not affected only because it was issued, given or done also for the purpose of the Commonwealth laws.

18—Reference in Commonwealth law to a provision of another law

This clause deals with references in a Commonwealth applied law to other Commonwealth laws.

19—Fees and other money

This clause provides that all fees, penalties, fines or other monetary sums imposed on a person in connection with the applied provisions are payable to the Commonwealth.

20—Regulations

This clause provides the regulation making power.

Schedule 1—Repeal

1—Repeal of *Water Efficiency Labelling and Standards Act 2006*

The Schedule repeals the current *Water Efficiency Labelling and Standards Act 2006*.

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

MOTOR VEHICLE ACCIDENTS (LIFETIME SUPPORT SCHEME) BILL

Adjourned debate on second reading.

(Continued from 30 April 2013.)

The Hon. A. BRESSINGTON (19:48): I rise tonight to speak to the Motor Vehicle Accidents (Lifetime Support Scheme) Bill. The proposed no-fault system has certainly seen a

barrage of comments from both those who support the change and those who are vehemently against the change.

Catastrophic injuries require significant funds to support the ongoing medical and remedial treatments a person requires in addition to the changes to a house or facility to support the needs of the person. Currently, our compulsory third-party system only provides for compensation for motor vehicle accidents which occur when the fault of at least one party can be proven. What is perhaps not clearly brought out in any of the CTP discussions is that catastrophically injured people who cannot prove fault do have support available to them. They are supported by public hospitals, disability services, the PBS scheme, Medicare, Centrelink and other agencies. That is not to say that there are not inadequacies in all those current systems. However, this shows that a somewhat one-sided approach has been taken towards the impetus for this change.

This bill aims to restructure the current zero to 60 point scale, and to remove compensation for certain injuries which fall below the threshold, and redistribute that money to those who are catastrophically injured. There are between 12 and 15 catastrophically injured people each year. Of those 12 to 15 people who are catastrophically injured, it is estimated that 40 per cent fall outside the current compulsory third-party fault scheme. That means between four and six people each year are not covered by this scheme, so effectively we are changing the whole system, disenfranchising anywhere between 4,000 and 6,000 people with legitimate claims, to supposedly provide care to around four to six people. Morry Bailes of Tindall Gask Bentley and of the Law Society stated:

> Our state should be big enough to look after the needs of catastrophic claimants separately without robbing the rights of other injured people. The government is effectively proposing to create another WorkCover, which is now a $1 billion liability and nothing less than a disaster.

In a joint statement by the Law Society and the Australian Lawyers Alliance, the government was accused of trying to 'cripple the South Australian economy with a system similar to WorkCover'.

When I first saw this bill, my first words were, 'This drips of WorkCover.' I have to say that the debate we had in this place in 2008 broke my heart—to think that a government and an opposition could be so heartless as to impose such penalties on the sick and vulnerable people of this state. Here we are again, with the bill before us that has the fingerprints of WorkCover all over it. It is another example, I sadly have to say, of this government making a choice between a corporation and the wellbeing of the citizens of this state. As with WorkCover, the corporation wins.

Whilst there is most certainly merit in looking after those who are unfortunate enough to find themselves in serious and debilitating motor vehicle accidents, it would seem that the proposed system is robbing up to 75 per cent of claimants to help approximately six injured people a year. I am aware that the government has taken advice on several issues and reduced the compensation threshold for one head of damage. However, their changes have not gone far enough to ensure that the proposed system is fair, just and equitable.

In a joint media release of 30 November 2012, the Law Society and the Australian Lawyers Alliance stated that the shake-up of the state's compulsory third-party scheme is completely unjustified and that there is absolutely no reason to attack a sustainable scheme and slash compensation for thousands of road accident victims. The release went on to say that there was an overall drop in compulsory third-party claims in the 2011-12 period. Plaintiff lawyers' costs increased by 0.2 per cent and defendant lawyers' costs increased by 0.5 per cent.

This point is further emphasised when one considers that the Motor Accident Commission chose to run several large matters to trial rather than to settle out of court, therefore inflating the recorded legal costs for the respective years. This is contrary to the government's statement that there has been a 50 per cent increase in legal fees in recent years, which has of course formed part of the rationale in overhauling the system.

The member for Bragg made the points about the success of the Motor Accident Commission's performance in her speech in the other place. She pointed out that:

> ...this is an entity which appears to be run very well. It is one which, you would have to say in reading its annual report, you would struggle to see why the government announced that there would be a review of the Motor Accident Commission and the CTP fund operation in this state at all, because certainly on its own records—for example, in its 2010 report, it had an annual profit of $238.5 million with net assets of $165.4 million. By 2011, it was $131 million, with net assets of $238.5 million. In 2012, the net assets were up to $397 million.
>
> The claims were continuing, they were being processed. The net asset of this entity continued to accumulate, it was continuing to make a profit even in what we see as the instability of the global investment market

which seems to have challenged just about every other government or semi-government entity in the state, let alone the private investors, and yet this is an entity that has continued to do very well and financially has ensured that that remains stable.

What is extraordinary is that I noticed that in the 2010 report, under section 5 of the Motor Accident Commission Act, a direction, dated 19 May 2010, was given to the board by its minister (the Treasurer) directing an increase of CTP premiums for premium class 1 be set at $476 per annum from 1 July 2010 and premiums for all other classes of motor vehicles to be set by applying the class relativities used in the calculation of the 2009-10 in force premium relativities. The 2011 report reports another increase and in the 2012 report I was stunned to read, and I quote:

'However, the rising medical, care and legal costs to the CTP scheme are a major concern, somewhat neutralising the benefit of the reduction in road casualties. These rising claim costs together with unstable investment markets necessitated a further increase of 4.7% to the Class 1 CTP premium, effective from 1 July 2012.'

So, in an environment in which the MAC are reporting to the parliament that they are having an increasing capital base and they are retaining their role, of course, in the significant claims, they have still seen fit to significantly increase the CTP premiums, of course under ministerial direction.

There are plenty of people in the legal profession saying that this is nothing more than a cash grab, that the South Australian government wants to be able to access the money that MAC has, as other states do and as they had done in the past. It is very clear that the rationale for this change is flawed in places and faulty in others, that what we have been told about this reform is not correct.

There has been some suggestion that there is a high rate of fraud by claimants within the compensation system and that the system is set up to reward those who remain within the system for a longer period of time. As par for the course, medical experts need to assess the party, determine the total either permanent impairment or residual disability, and report on that accordingly. Once a medical expert has said that the injuries have stabilised, negotiations are entered into and compensation is based on the medical evidence.

It is therefore very difficult, if not impossible, for a claimant to remain in the system without being caught. Even if they do, the compensation will be determined by medical evidence and not the length of time that the person remains in the system—which is as it should be. Similarly, most claimants find the system traumatic and desperately want to get out quickly. For those reasons I do not regard that changing the system is necessary to prevent people from unnecessarily staying in the system too long or with a view to defraud.

This same excuse was used to justify WorkCover reform in 2008 when, in actual fact, the truth was that numbers showed that scammers of the system totalled less than 1 per cent of claims. So, as I said, we are seeing a restamp of WorkCover under the guise of compulsory third-party reform.

As the Hon. Mr Lucas mentioned yesterday, there is significant concern about the regulations and the ISV scale which is currently being considered by the legal profession. I am advised that the medical profession has also been consulted. The feedback that I have received about this scale, that the scale is even more severe than the initial ISV scale, is extremely disturbing.

Sadly, although not too surprisingly, the final table has yet to be presented to parliament. We are therefore basing our debate on a draft version of the injury scale value table (the ISV) which is more than likely to be irrelevant to this entire debate. We simply cannot, in good conscience, base our decision to uproot a system which is working very well based solely on the word of the Labor Party, without clear and quantifiable information, which includes the ISV table as it is intended to be placed in the regulations. It is disheartening although, again, not surprising, that the table is not available now for this place to scrutinise.

Again we are being asked to pass legislation which affects up to 75 per cent of people involved in motor vehicle accidents annually when we cannot accurately gauge its impact because the most important piece of information is missing. For example, what good would the government's cuts be to the threshold for economic loss if the ISV scale was significantly altered? It is not impossible to imagine a situation where what currently looks like an 11 on the draft ISV turns out to be an eight on the final ISV and is therefore not compensable.

We have seen in this place tonight the Hon. Rob Lucas move a motion to disallow regulations to the Work Health and Safety Act. I remember, again last year, that debate and, on talkback radio, the minister saying that Mr Lucas, Mr Brokenshire and I were doing nothing but fearmongering about the effects that that piece of legislation was going to have on the housing industry.

Once again, we see the tactics of a Labor government. The ministers, who are no better in my mind than cheap vacuum cleaner salesmen, come in here and push the benefits of the machine they want. They leave out the cost, ignore the cost, deny the cost, and then, 12 or 18 months later, we are back in this place having the same debate over and over again because they refuse to see that they have been flawed in their drafting of the legislation and in not asking the questions needed of their bureaucracy when they dive into these issues.

I would like to place a question on notice and ask the government to confirm when the expected release date of the ISV scale is and why this bill is even being debated without that information being available to us. How can we make an informed decision about this legislation when that is the key to it?

The ISV scale, whilst it builds in some discretion by having a lower and upper value, is too prescriptive and does not allow for discretion to be used in circumstances that are appropriate. For example, a chef who loses their taste, smell or both would be awarded an ISV of six at the lower end or nine at the upper end. Naturally, a chef would be awarded a higher ISV than the average person who cooks at home for fun or for the family but does not have the added commercial or economic factors involved, which a chef would.

For the chef, who has worked hard to develop his or her craft and reputation and has an upwardly mobile career with a view to working in a top restaurant or owning their own restaurant, the highest award available to them would be a nine on the ISV scale. Currently, the chef with a bright future would be awarded damages for future economic loss and a loss of chance. However, under this bill, the chef would only just reach the threshold for future economic loss, and therefore the injury would be minimally compensated despite having a high probability of having lost their livelihood altogether due to the injury.

The Hon. K.L. Vincent: Shame.

The Hon. A. BRESSINGTON: Absolute shame; I agree with the Hon. Kelly Vincent. Another question which has been repeatedly raised but, to my knowledge, has not been answered relates to the ISV score: when multiple injuries occur, is an accumulative score acceptable, or is the score of the most severe injury taken to be the total injury score?

It is the suspicion of some in the legal profession that the cumulative score will not be allowed, which means that a person will be assessed on one injury rather than a multitude of injuries they may have incurred from the accident that could be equally disabling. For example, if someone has to suffer five disc prolapses which have a range of 5 to 15 on the ISV, significant psychological trauma, injury to cervical and thoracic spine which results in four years of painful recovery, rest, physiotherapy and other treatments, would their injuries be cumulative, or is it the ISV determined by the highest-rated injury?

There is significant concern within the legal profession that the latter is true. If that is intended to be the case, then we have an unfair and unjust proposed system before us. Additionally, it is also very unclear whether psychological problems are going to be considered whole-person injury and therefore be compensable.

Psychological injuries are extremely common in motor vehicle accidents. Often people suffer from post-traumatic shock disorder, adjustment disorder, flashbacks, intrusive thoughts of the accident, insomnia, fear of driving, agoraphobia, hypervigilance, depression, anxiety, nightmares and mood swings, just to name a few, and we have not even touched on acquired brain injury yet.

This psychological injury affects the quality of life a person experiences personally, affects their family, and affects their social capacity, often limiting people to staying in their own home. This can have a dramatic and debilitating effect on the injured person as well as their family. Currently, during a claim, a person will be sent to see several independent specialists for an opinion and medico-legal report on their injuries and treatment options.

The medico-legal report is used to assist both the lawyer and the insurer in better understanding the extent of an injury and the impact, if any, to an individual in the work or home environment, and creates a basis for calculating the claim. Ultimately, when providing an expert report, the independent expert has an overriding duty to assist the court on matters relevant to the expert's area of expertise.

As one would expect, the report given by the insurer's independent specialist is significantly in favour of the insurer. One may well argue that the reverse is also true—again, a familiar and disturbing theme that we see time and time again to do with the WorkCover system.

This bill proposes to do away with the current system and replace it with a medical accreditation scheme—again, WorkCover—or, as I understand it, a list of approved medical practitioners. When an assessment is needed, the person will be assigned a practitioner and sent off for an examination. It is intended to operate like a taxicab rank system; that is, when an independent assessment is required, the next practitioner on the list will be assigned the patient. Where a patient disputes the report of a doctor, they can request another assessment be done by a different practitioner.

I hold grave concerns that only those doctors who have a history of writing favourable reports for the insurers will be recruited to write medico-legal reports; that is, only those doctors who frequently understand the extent of the patient's injuries and the long-term affects of those injuries will have will be the ones engaged to examine future patients.

That, of course, raises the issue of medical independence as a doctor would be engaged by the very insurance company who is a party to the dispute. Whilst under the current system, the insurer does typically pay for independent reports. There is a higher rate of independence and autonomy as the doctor typically liaises with the solicitor, and it is their solicitor who arranges with Allianz to have the doctor's fees reimbursed. The substance of the report is, therefore, not directly linked to reimbursement of fees. However, independence cannot be guaranteed for those doctors who are placed on the taxicab rank-style list and want to remain there. My concern is, therefore, that you may never get a clear, accurate picture of the type of injuries received, which will ultimately affect the amount of compensation allocated to them.

In 2010, I asked a question about the fly-in fly-out WorkCover doctor, Dr Doron Samuell, as I had been informed that he used standover tactics, intimidation, field consultations without permission, and that he was otherwise behaving in a threatening matter towards injured workers. It would seem that by creating a medical accreditation scheme, we are opening up the way to multiply doctors who behave like Dr Samuell and are notoriously biased toward the insurer when it comes to writing their reports. Since I asked that question, I might add, I have had a number of other complaints about this same doctor, and one from a medical practitioner, who is also one of those taxicab rank-type professionals, who said that Dr Doron Samuell should be investigated for professional misconduct.

The bill further allows for the maximum number of examinations or assets that may be in a particular case to be determined by regulation. Given that each case is significantly different, any limitation on examinations or assessments would be arbitrary and not best suited to the needs of the injured people who must be assessed on a case-by-case basis. It is about time this Labor government learned that one size just simply does not fit all. The instigation of medical panels has raised some community concern, and it has been stated that the medical panels do not have the confidence of the legal profession or the public.

WorkCover panels have been discredited, and many insured parties have reported compounding issues of insecurity, fear of the system, depression, suicide and being treated with contempt at the hands of a medical panel. It is altogether probable that these medical panels would work in a similar vein to the WorkCover panels, and would further traumatise already vulnerable people. This bill makes it increasingly difficult for an injured person to hire a legal practitioner. As has been previously noted, there has not been a significant cost in legal representation in the 2011-12 period. However, part of the impetus of this bill is to cut down on legal costs.

Allianz, the current insurer, has made it its policy only to award legal costs at the Magistrates Court scale for almost one year. As juvenile cases by law require the opinion of counsel, attendance and other legal costs inevitably increase. As a result, many small practices are simply refusing to act for juveniles as they cannot recover enough money for their legal costs without consuming most of the end payout the client receives. Whilst there is provision for a magistrate to award above the scale, there is no guarantee that this direction will be exercised in juvenile cases, or that any award will be sufficient to compensate for the additional work. This potentially could develop into an access to justice issue for juveniles as legal practitioners will not want to represent them.

Effectively this bill creates a system that makes it non-financially viable to engage lawyers. Whilst that may be idyllic in many ways, or some may think so, I have no doubt that lawyers are

necessary to act as a buffer between the injured party and the case manager, as the case manager is focused on minimising the claim and not acting in the best interests of the injured person. I have heard reports of case managers being rude, antagonistic and unprofessional toward clients. This is not too far fetched as we have heard in the case of Dr Doron Samuell.

By excluding legal practitioners it means that the injured person may well lose their only advocate. My concern is that many people will opt out of the system because it becomes too hard or too traumatic for them, which means that they are not afforded justice, or the care, support or services that they so desperately need and deserve. In hindsight of the WorkCover debate in 2008, the cynic in me thinks that this is, perhaps, the desired outcome.

It is unreasonable to expect victims to know about the intricate details of complex insurance policies. Most claimants have never lodged a compulsory third-party claim before and consequently are completely unaware of the system and how it works; whereas Allianz claims managers have some legal training and work with motor vehicle accident matters on a daily basis and are thereby aware of their obligations. The normal legally unsophisticated layperson, so to speak, would be unaware of their legal rights or obligations under the law.

The proposed limitation in relation to legal fees will put the victims at a significantly unfair disadvantage when it comes to negotiating a proper settlement for their injuries. Victims may be more inclined to accept the first settlement offer by Allianz, even if it is inadequate, rather than seeking independent legal advice about the appropriateness of the offer. Again, it reeks of WorkCover.

Where necessary, an occupational therapist will be engaged to assess the workplace and/or residence of the injured person to determine what aids, appliances and/or services they require. In the making of a report, the occupational therapist would recommend certain aids and appliances, and home care such as cleaning, ironing, food preparation, mowing lawns, etc., to assist the person to function better in the home or workplace in light of their injuries.

Currently, the report would be sent to the solicitor, who would then liaise and sometimes pressure Allianz to provide these recommended aids. That said, not all aids would be provided; sometimes only one or two of the recommended aids would be funded and therefore implemented. Under the proposed system, it is hoped that people will no longer engage legal practitioners but will liaise with the claims consultant managers assigned to their matter by the insurer.

This poses particular concern in light of having appliances and aids funded. As noted, it can be difficult for a legal practitioner to argue and secure funding for aids and appliances for a client; however, we have a system that is geared to remove the legal practitioner from the picture, and it remains to be seen whether or not the system will provide the much needed assistance.

I have been in contact with a woman from Victoria who has had endless difficulty in securing recommended aids—and I understand that Victoria is part of the model we are using here in South Australia. She was assessed as requiring a specialised bed, a gopher, a therapeutic chair and a walking frame to be provided to assist her, as she is now permanently disabled. She requires 24-hour assistance and cannot walk unassisted or even shower unassisted. She is in severe pain, and the anguish caused by her insurer is indescribable. Six months on, in breach of the assessment requirements, the insurer still has not provided her with the equipment she needs.

Under this similar system, she was awarded $327 in compensation. She can no longer work, she can no longer earn a living and, because of the assessment done through their compulsory third-party scheme, it is questionable now whether she is even eligible for a disability pension. Essentially, removing the legal practitioner and having direct contact between the insurer and the injured party sounds noble in principle, but when you have an emotionally fragile person who is in pain from their injuries, and suffering a psychological injury to boot, the last thing they want to be doing is arguing with a highly informed, trained, corporate entity whose job it is to ensure that the lowest amount of money possible is paid out.

Even if the system worked well, a conflict of interest would always remain and the insurer will want to spend as little money as possible, and those claims managers who are working to assist the injured are paid by the insurer to keep their costs down. The bill provides for reasonable and necessary needs to be met, though in my opinion you could argue that many reasonable and/or necessary needs are currently not being met. On that premise, why would it be any easier for an injured person to have these needs met when they do not have the legal representation they need? This simply does not add up for the injured person.

Another area that has received significant complaint is that of the reduction in past economic loss, future economic loss, non-economic loss, loss of gratuitous services, home help, future medical and loss of consortium. A whole person impairment threshold has been introduced. A whole person impairment threshold is unable to consider the intricacies of MVA injuries, as it takes no account of pain and suffering, continuing disability or loss of enjoyment of life due to injury. It cannot calculate the actual impact of an injury and the effects it has on someone's capacity to engage in their chosen field, sport or hobby.

The thresholds for these heads of damage are extremely high. For example, under non-economic loss—also known as pain and suffering—a serious whiplash injury causing pain and discomfort and possibly requiring years of rehabilitation may only be six points on the scale and therefore noncompensable. If the injury occurred in 2012, the compensation for pain and suffering would be around $9,030. Effectively, someone who may suffer pain for the rest of their lives may not receive any compensation for this at all. They will receive the basic medical and a portion of their past economic loss but no compensation for their current, and potentially ongoing, pain.

Similarly, home help and future care have the 10 per cent whole person impairment threshold which means that many people will be required to pay out-of-pocket for the services they require at home without recompense. Only very significant accidents require services for six hours per week for a period of six months and, even then, in most instances a representative of the insurance company is trying to negotiate a lower assistance rate. The Australian Lawyers Alliance stated that if future care and home help is not available for 10 per cent of the whole of person impairment or less, then this has no regard for the clear effects of injuries.

There are many examples of activities people would not be able to carry out in an unrestricted fashion—for example, driving a car, house painting, shopping, yard maintenance and gardening—with injuries of less than 10 per cent of the whole of person impairment. Whilst there are some improvements in the bill, there are clearly many areas that are of great concern to those who are intimately aware of our current compulsory third-party scheme. Regardless of the need or desire to save money, we cannot forget that these changes affect people's lives very significantly. We have already had a WorkCover debacle. Let us not further traumatise the people of this state by replicating the system that does not work.

Just in closing, I want to read onto the record a letter that I received today from the Managing Director of Johnston Withers, Mr Anthony Kerin:

> I refer to previous communications. I understand the Bill may be before the Upper House this week.
>
> Last week I have observed an amended ISV Chart which to my mind makes it even more difficult for those injured and particularly those suffering soft tissue injuries to the neck in rear end collisions to recover damages. This should be considered before you vote on the Bill.
>
> It is the clear intention of the legislation to disenfranchise those who suffer those injuries.
>
> The government has also changed the wording in some of the items which will make it very difficult for people to recover damages and even if they do they will be so minimal it will not be worth the effort.
>
> The Economic and Finance Committee, as I understand it, is yet to meet which is a great pity. All of these issues could have been explored. One has to ask why have we introduced an Injury Severity Value Scale which will be far more draconian than that that exists in Queensland upon which it is based. Queensland has no thresholds. Queensland allows where there are a number of injuries to recover greater than the highest valued injury which exists in this scale, none of which exists in this Scheme.

That is, the scheme we are debating.

> It makes the narrative test more significant and imperative that it exists within it.
>
> It would be useful if an upper house parliamentary committee could examine the legislation and consider why we are taking away the rights of thousands of claimants a year.
>
> A number in the community would see the hundred dollar cost of living pressures saving to be little more than thirty pieces of silver for the rights that are being exchanged for that benefit. A number of organisations and individuals in the media have already accepted their share of that thirty pieces of silver. It remains to be seen what the rest of the South Australian community now does.
>
> I urge you to consider this legislation in far more detail than has occurred to date.
>
> Kindest regards,
>
> Johnston Withers.

I always seek legal opinion in bills as important as this, and I do not do it just for the sake of saying that I have done it. I do it because these are the experts who know whether or not something will work in the best interests of our citizens. In doing that, I therefore move:

> Leave out all words after 'That' and insert:
>
> the bill be withdrawn and referred to the Legislative Review Committee for its report and recommendations.

We will vote here tonight on whether we can continue this debate, because I understand that the Liberal Party has not had an opportunity to take this particular motion to its party room, and I know that other Independents and crossbenchers would probably like time to consider it. I urge every member in this place—

Members interjecting:

The Hon. A. BRESSINGTON: No, but we will seek leave to adjourn. I urge all members here to consider the facts that have been put on the record tonight and yesterday by the Hon. Kelly Vincent, and I commend her for the speech she gave yesterday. We have to put more time and thought into this than we did with the WorkCover legislation. With that, I commend the bill and my motion to the house.

Debate adjourned on motion of Hon. J.A. Darley.

At 20:29 the council adjourned until Thursday 2 May 2013 at 14:15.