LEGISLATIVE COUNCIL

Tuesday 14 May 2013

The PRESIDENT (Hon. J.M. Gazzola) took the chair at 14:18 and read prayers.

The PRESIDENT: We acknowledge that this land that we meet on today is the traditional lands for Kaurna people and that we respect their spiritual relationship with their country. We also acknowledge the Kaurna people as the custodians of the Adelaide region and that their cultural and heritage beliefs are still as important to the living Kaurna people today.

RESIDENTIAL TENANCIES (MISCELLANEOUS) AMENDMENT BILL

His Excellency the Governor assented to the bill.

ANSWERS TO QUESTIONS

The PRESIDENT: I direct that the following written answer to a question be distributed and printed in *Hansard*.

SOUTHERN HAIRY-NOSED WOMBAT

332 The Hon. T.A. FRANKS (20 October 2011) (First Session). Can the Minister for Environment and Conservation advise—

1. Is the minister aware of reported losses of up to 70 per cent in the Southern Hairy-nosed wombat *Lasiorhinus latifrons* population in the Murraylands from an as yet undetermined disease?

2. Will the minister recall destruction permits issued in the past 12 months until a full assessment of the impact of the disease on the population is determined?

3. Will the Minister immediately issue a moratorium on any further destruction permits being issued until a full assessment of the impact of the disease on the population is determined?

4. (a) Will the minister advise what funding has been given for the research into the cause of the disease; and

   (b) Can the minister explain why no funding has been given for the rescue and rehabilitation of hundreds of wombats suffering from the disease?

5. Can the minister advise what resources have been assigned to assess and monitor the main populations of Southern Hairy-nosed wombats in South Australia for the disease and to combat illegal culling?

6. Will the minister commit to protecting wombat burrows to ensure their habitat is protected?

7. Can the minister advise whether the government is willing to commit to purchase land at Portee Station for the reintroduction of rehabilitated wombats?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation): I have received this advice:

1. A proportion of Southern Hairy-Nosed Wombats in the Murraylands near Blanchetown have been observed with a health condition. Investigations led by the University of Adelaide School of Animal and Veterinary Science, DEWNR and the Wombat Awareness Organisation have found that the condition is most likely associated with nutritional stress caused by unsuitable diet.

The condition is not widespread across the Murraylands and appears to occur in distinct regions of degraded habitat. Healthy populations of wombats occur in the Murraylands where habitat is healthy, intact, and suitable wombat food resources such as native grasses remain.

2. & 3. In accordance with the government's 'living with wildlife' philosophy all destruction permit requests are considered very carefully and seek to balance the needs of wildlife and the impacts on human activities. Should the circumstances arise where damage to crops, stock or other property is occurring and other non-lethal alternatives are unable to address the situation, destruction permits may be issued for the Southern Hairy-Nosed Wombat.

A multidisciplinary team of ecologists, biologists, veterinary pathologists, wildlife veterinarians, toxicologists, wildlife carers, non-government conservation organisations, land managers and wildlife policy officers are working together to understand the condition and monitor affected populations.

4. (a) In 2011, the Department of Environment, Water and Natural Resources Research Partnerships Fund allocated $65,115 to fund a State-wide survey of Southern Hairy-Nosed Wombats. The research project also benefited from support from Zoos SA.

The government has allocated $29,750 and $29,600 respectively for research into sustainable wombat habitat restoration on the Moorunde Wildlife Reserve and management of Southern Hairy-Nosed Wombats in Agricultural Areas through the 2012-13 Natural Resource Management Community Grants program. In addition, DEWNR has allocated a further $26,867 towards researching management of Southern Hairy-Nosed Wombats in Agricultural Areas through the DEWNR Research Partnerships Fund 2012-13.

In 2013 the Department of Environment, Water and Natural Resources Research Partnerships Fund has allocated $10,000 to fund further research by the University of Adelaide School of Animal and Veterinary Science into the health and dietary habits of Murraylands Southern Hairy-Nosed Wombats.

(b) The focus of the government's funding is on research in order to provide guidance on the landscape scale management for conservation of affected wombat populations. Rescue permits are, and will continue to be, issued under the *National Parks and Wildlife Act 1972* for the rescue and rehabilitation of Southern Hairy-Nosed Wombats by animal care groups such as the Wombat Awareness Organisation.

5. The government has been working with non-governmental organisations, private landholders and universities to monitor and manage the population of Southern Hairy-Nosed Wombats within the South Australian Murray-Darling Basin (SAMDB). Research has been undertaken into the cause of the health issues observed in the region and the Department of Environment, Water and Natural Resources has been working collaboratively with wildlife health vets at Flinders and Adelaide Universities to better understand the cause. The department is looking at the issue on a landscape scale to implement long term solutions that will benefit the wombat population into the future.

Through the Woodland Bushbids program, support is being provided to landholders involving over ten thousand (10,000) hectares of the Western Murray Mallee to improve habitat condition.

We are determined to improve the SAMDB landscape for the benefit of the Southern Hairy-Nosed Wombats and a large suite of other native plants and animals found in the region.

Southern Hairy-Nosed Wombats are protected under the *National Parks and Wildlife Act 1972*, and all reported breaches against the Act, such as the illegal destruction of wombats, are investigated.

6. The government is committed to protecting native wildlife through the *National Parks and Wildlife Act 1972*. Bulldozing of burrows, where there is evidence of wombats in residence, is not allowed as a method of destruction of Southern Hairy-Nosed Wombats.

7. The government does not have plans to purchase land at Portee Station for the reintroduction of rehabilitated Southern Hairy-Nosed Wombats. In South Australia, habitat for the Southern Hairy-Nosed Wombat exists within, and is protected by, at least 18 reserves under the *National Parks and Wildlife Act 1972* and 11 Heritage Agreements under the *Native Vegetation Act 1991*. These 29 protected areas cover over six million hectares of land altogether.

PAPERS

The following papers were laid on the table:

By the President—

Report of the Ombudsman SA on Department for Correctional Services

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

Regulations under the following Acts—
Liquor Licensing Act 1997—Dry Areas—Hallett Cove
Spent Convictions Act 2009—Applications to Qualified Magistrates

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

Reports—
National Health Practitioner Ombudsman and Privacy Commission, 2010-11
National Health Practitioner Ombudsman and Privacy Commission, 2011-12
Regulations under the following Act—
Disability Services Act 1993—Community Visitor Scheme—Community Visitors
By-laws under Acts—
TAFE SA Act 2012—General

TREVORROW, MR TOM

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) (14:22): I lay on the table a copy of a ministerial statement made today by the Premier, the Hon. Jay Weatherill, on the passing of Tom Trevorrow.

INFRASTRUCTURE PROGRAM

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) (14:22): I lay on the table a copy of a ministerial statement on South Road made today by the Hon. Tom Koutsantonis.

QUESTION TIME

WIND FARMS

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:24): I seek leave to make a brief explanation before asking the Minister for Agriculture, Food and Fisheries a question in relation to the impact of wind farms on high-value agricultural land.

Leave granted.

The Hon. D.W. RIDGWAY: The South Australian rural sector was astonished last week to learn that neither the minister nor her department had been asked to provide advice in the assessment process for the Statewide Wind Farm Development Plan Amendment. This is remarkable because just one wind-driven power station on Yorke Peninsula, now awaiting government approval, will impact on about 800 square kilometres of prime cropping land. The rural community is already hearing of the looming clash between the energy industry and primary production. My questions are:

1. Has the minister taken into consideration what impact wind-driven power stations will have on farming practices or rural activities?

2. Does the department have the resources to provide advice on how wind-driven power stations would affect neighbouring grain growers and other agricultural producers?

3. Has the minister or her department ever asked the Regional Communities Consultative Council for its assessments of the impact of wind turbines on cropping land?

4. Has the minister or her department contributed to a regional impact statement about the proposed turbines, like the latest Yorke Peninsula project and, if not, why not?

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) (14:25): I thank the honourable member for his important questions. Indeed, this government has a very positive history in terms of our contribution to alternate energy supply. When we first came into government we did not have any wind power

energy and now almost a third of our energy is generated at certain times by wind power. Of course, renewable energy is a very important part of clean energy for our future.

However, these matters are not without their issues and that is why this government has been committed to an extremely open and thorough process in terms of consultation around the impact of wind farms, particularly those close to agricultural land. Such considerations are underway at present and, in fact, no decision has been made at this point in time. The submissions and results of the consultation are still being considered.

However, I can assure honourable members that the quality of the information that went into that process is very thorough indeed. As I said, it was an extremely open process. It invited and encouraged local farmers, various interest groups and experts (such as aerial experts and suchlike) to give a range of very detailed evidence throughout this consultation process. I can assure honourable members that expert information has certainly been taken into consideration.

I had discussions with the RCCC and it was decided that they would do a community consultation around that and they also issued a report as part of the submission into that consultation process. I know that Peter Blacker, given that he is a farmer himself, also provided evidence.

As I said, expert advice and considerations will be made. It is most important that we are able to weigh up all of the benefits and all of the risks associated with wind farms. I made sure that any information that came into my office and any opinions that I received were forwarded on to the appropriate minister and put into that consultation process. It has been a very extensive and thorough process, and those matters are still being considered.

WIND FARMS

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:29): I have a supplementary question. Have you read the RCCC report into wind farms or the submission that it made to the development plan amendment 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) (14:29): Yes.

WIND FARMS

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:29): I have a supplementary question. Did the Department of Primary Industries provide any formal advice to Planning SA in relation to the impact of wind farms on grain growing and agricultural areas?

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for the Status of Women, Minister for State/Local Government Relations) (14:29): To the best of my knowledge, no, but as I said, I am absolutely confident that all expert advice and information around the impacts on farming practices, on the impact that the turbines might have on spray drift and the impact on aerial fire operations have been fed into that process by the experts to ensure that that process is well and truly informed of all of the implications associated with wind farms being built close to farming areas.

The PRESIDENT: The Hon. Mr Ridgway has a further supplementary.

WIND FARMS

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:30): Given that the minister has read the RCCC report, does she support their view that wind farms should not be located in high-value cropping areas?

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 value the process that they undertook in consulting with farmers and I value the input that they received. With the thorough process they conducted, I value the conclusion that they came to, and I certainly support their report and advice going forward into that process. I think it was a very valuable process indeed.

CLARE VALLEY WATER SUPPLY

The Hon. J.M.A. LENSINK (14:31): I seek leave to make an explanation before directing a question to the Minister for Water regarding the Clare Valley Water Supply Scheme and the Clare Region Winegrape Growers Association.

Leave granted.

The Hon. J.M.A. LENSINK: The Clare Valley region relies on the Clare Valley Water Supply Scheme (CVWSS), which was developed in 2004 to provide irrigation water to that region and also to augment the Swan Reach-Paskeville pipeline and provide reticulated water to townships surrounding Clare. The Clare Region Winegrape Growers Association supported the development of the CVWSS through the provision of over $2 million to the scheme. At the time the scheme was developed, the price of water was $970 a megalitre.

Water prices have increased, thanks to the desalination plant, by 250 per cent since the scheme has been in operation, with prices this year reaching $3,500 a megalitre for the 2012-13 growing season, while at the same time the average price per tonne for wine grapes has been decreasing. One-third of the grape growers rely on the CVWSS to provide access to good quality reliable supplies for irrigation water due to insufficient surface water capacity, with groundwater resources predominantly being saline or low yielding. Growers have been placed under significant pressure as a result of price increases.

In early 2013, an agreement was reached with SA Water for the supply of water to the region being priced at the off-peak transportation cost due to the high water use and extremely dry conditions during the growing season. The passage of the Water Industry Act was to signal the levelling of the playing field between SA Water's monopoly position and other new providers into our state's water market. My question for the minister is: will SA Water consider providing the Clare Region Winegrape Growers Association with a similar arrangement for the 2013-14 growing season, and on an ongoing basis, such that they will charge only for the transportation costs?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:33): I thank the honourable member for her most important question. Whether you live in Clare or Adelaide or McLaren Vale or the Riverland, everyone pays the same price for water per kilolitre for the water that SA Water supplies. This is regardless of the cost of supplying—

Members interjecting:

The PRESIDENT: The minister has the call.

The Hon. I.K. HUNTER: This is regardless of the cost of supplying that water. This is the policy of the state government. The system is considered the fairest way to spread the cost of providing and maintaining basic water facilities across the community. The $34.8 million Clare Valley Water Supply Scheme was completed in late 2004. The primary objective of the scheme was to provide for long-term sustainable irrigation while delivering economic benefits to the region. The scheme also provided potable water to townships in the Clare Valley region and enabled bulk water to be transferred from the Morgan-Whyalla pipeline to the Swan Reach-Paskeville pipeline to support Yorke Peninsula.

The scheme delivers water during peak periods at statewide prices and off-peak transportation of water for irrigators who purchase their own licences. I am advised that each customer made an up-front capital contribution to the scheme infrastructure costs based on their contracted volume at a rate of $1,500 per megalitre, or $1.50 per kilolitre.

I am advised that SA Water offers an off-peak water transportation service where the customer can utilise SA Water's infrastructure to transport water to their property. These customers hold a River Murray water licence. Ordinarily the off-peak water transportation supply season operates from 1 April—in some cases, for operational reasons, 1 May—to 31 October each year.

In response to the honourable member's last question about next season and ongoing, I am advised that SA Water is not in a position to make a decision in relation to any special arrangements that may be offered next summer. Any decision will have careful consideration, taking into account many factors, particularly the climate.

CLARE VALLEY WATER SUPPLY

The Hon. J.M.A. LENSINK (14:35): I have a supplementary question. Can the minister advise when SA Water will be in a position to make that decision?

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 am sure it will be in a position to make that decision once these factors that I have mentioned have been taken into account.

CLARE VALLEY WATER SUPPLY

The Hon. R.L. BROKENSHIRE (14:36): I have a supplementary question. Is the minister saying, on behalf of his government, that the government believes it is economically feasible to pay $3,250 a megalitre?

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): The honourable member can find out what the minister is saying by reading the *Hansard*.

RIVERLAND SUSTAINABLE FUTURES FUND

The Hon. S.G. WADE (14:36): I seek leave to make a brief explanation before asking the Minister for Regional Development questions regarding the Riverland Sustainable Futures Fund.

Leave granted.

The Hon. S.G. WADE: In February 2010 the Labor government announced a $20 million Riverland Sustainable Futures Fund to assist the region in recovery from drought. In the following years the guidelines to access the fund have continually changed. After the last announcement of $1.2 million to a local business in February this year, the minister said that $5 million would be held over to leverage federal funding from the Murray-Darling Basin Regional Economic Diversification Program. My questions are:

1. Has the $5 million Riverland sustainable futures funding been quarantined by the Department of Treasury and Finance?

2. Can the minister give the council an assurance that the Riverland will have full access to the remaining futures funding?

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for the Status of Women, Minister for State/Local Government Relations) (14:37): I have to say that it is really just appalling, the quality of questions by the opposition. I have answered this question several times in this place. It is on the record—absolutely, categorically on the record—in terms of our commitment to this fund.

They are lazy, Mr President; the opposition is bone lazy. My commitment regarding those funds is categorically on the record, and I refuse to waste the time of this chamber yet again. The Hon. Stephen Wade can get off his tail and for once actually read *Hansard* and listen to the responses given, because it is there—several times—on the record.

RIVERLAND SUSTAINABLE FUTURES FUND

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:38): I have a supplementary question on the Riverland futures fund. Can the minister advise how many entities that have received—

The Hon. I.K. Hunter interjecting:

The Hon. D.W. RIDGWAY: We've got the comedian going again. Can the minister—

The Hon. G.E. Gago: You and Stephen Wade are the big jokes.

The Hon. D.W. RIDGWAY: Mr President, some protection, please.

The PRESIDENT: The Hon. Mr Ridgway has the call and needs my protection. The Hon. Mr Ridgway, you have the call.

Members interjecting:

The PRESIDENT: Order!

The Hon. D.W. RIDGWAY: How many entities that have received funding from the Riverland futures authority have since gone out of business?

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): That is not a supplementary, Mr President.

The PRESIDENT: The Hon. Mr Kandelaars.

Members interjecting:

The PRESIDENT: I stopped listening three minutes ago. Are we all done? The Hon. Mr Kandelaars.

ALMOND INDUSTRY

The Hon. G.A. KANDELAARS (14:41): Thank you, Mr President. If I may—

Members interjecting:

The Hon. G.A. KANDELAARS: Can I continue, Mr President?

The PRESIDENT: The Hon. Mr Kandelaars, you have the call.

The Hon. G.A. KANDELAARS: I seek leave to ask the Minister for Agriculture, Food and Fisheries a question about the export of almonds.

Leave granted.

The Hon. G.A. KANDELAARS: The minister has spoken before about assistance to the Riverland following a significant drought. Previously, the minister has given details of some of the projects which have been assisted to help secure—

Members interjecting:

The PRESIDENT: The Hon. Mr Kandelaars, can you go through your brief explanation from the top once again?

Members interjecting:

The PRESIDENT: Order! I want to hear this.

The Hon. G.A. KANDELAARS: If I may, I will start again, Mr President. The minister has spoken before about assistance to the Riverland following a significant drought. Previously, the minister has given details of some of the projects which have been assisted to help secure the diversification of the economy in that important food producing area. Can the minister update the chamber on the project which supports exports of almonds?

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

The PRESIDENT: The Hon. Mr Dawkins knows he is out of order by interjecting. The Minister for Agriculture, Food and Fisheries will be heard in silence.

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) (14:42): It is with great pleasure that I report to the chamber that, as a result of the $1.9 million grant from the Riverland Sustainable Futures Fund—a highly successful fund—Almondco, an iconic Riverland company based at Renmark, has completed a project which is poised to see it set new industry standards for food safety. Almondco is certainly not a minnow when it comes to the almond business, representing close to 30 per cent of the nation's harvest.

The Hon. D.W. Ridgway interjecting:

The Hon. G.E. GAGO: Look it up, you lazy thing. They are so lazy they even want me to provide definitions of words for them, Mr President. That is how lazy they are. The Hon. David Ridgway doesn't know what the meaning of 'minnow' is and he wants me to provide a definition for him. Look it up!

The PRESIDENT: Minister, you have the call and you should do what I do and ignore most of their interjections.

The Hon. G.E. GAGO: Thank you, Mr President. Thank you for your protection.

The PRESIDENT: You don't need it.

The Hon. G.E. GAGO: Almondco's business represents close to 30 per cent of the nation's harvest and is supplied by more than 80 per cent of Australia's almond growers. This season, this cooperative is expected to process approximately 20,000 tonnes of quality Australian almonds, of which about half are South Australian-grown almonds. The 2013 Almondco crop is forecast to be 50 per cent more than last year's record company intake, providing new employment opportunities for the region.

Almonds are one of the premium food products of which South Australians can be very proud, and our production is growing. Almond production in South Australia has almost doubled in the last 10 years to 12,500 tonnes and, while a significant quantity of our almonds is consumed locally, $40 million worth of almonds were exported out of South Australia in 2011-12.

This $4.2 million project began in November 2011 and enabled the Almondco cooperative to purchase and install pasteurisation equipment at its Renmark premises so that its customers can be assured that even natural almonds are fully pasteurised and food safety risks from any micropathogens on the surface of the almond are minimised. The equipment needed to provide this assurance includes two pasteurisation towers, a cooling tower, a unique conveying system and an automated bulk bag filler.

I am advised that the new equipment has been undergoing trials and commissioning work during April and early this month. It is expected to be ready for full commercial production this week. I understand that where possible this Riverland icon has also chosen local contractors and service providers to help it deliver the project for its cooperative members.

We have seen that communities around the world are becoming more conscious of food safety standards and, in any business, meeting consumer expectations is vital. Commissioning a full validated pasteurisation system for natural almonds is expected to give Almondco a distinct market advantage, particularly with our national competitors, and it will also enable the business to diversify by giving the company the capacity to process other food and nut products on a fee-for-service basis.

I am advised that meeting this standard helps open up further export opportunities and bolsters the long-term sustainability of the business and enhances its competitive advantage in the national and international marketplace. I congratulate Almondco on its commitment to innovation and excellence. It is a great example of the ability of South Australian business to produce high quality product—an exemplar of one of the Weatherill government's key priorities, premium food from a clean environment. Of course, our commitment to regional South Australia is evident, too.

Members would be aware of the importance of the Weatherill government's priority concerning premium food and wine. South Australia's regions are the backbone of our food and wine industry which I am advised generates $6 billion in revenue annually and employs one in five South Australian workers. It is imperative then that we continue to support the industry because as you know, Mr President, South Australian food and wine is some of the best in the world.

The government continues to support regional South Australia and it has certainly helped it to create a sustainable economic development in one of South Australia's most important food bowls, which has been devastated by prolonged drought. As at May 2013, approximately $15 million has been committed to projects in the region, creating about 219 FTE positions and generating a total investment of over $33 million.

PRISONER COMPLAINT, OMBUDSMAN'S REPORT

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) (14:47): I table a copy of a ministerial statement relating to the Ombudsman's report into a complaint made by a female prisoner about the management and restraint regime made earlier today in another place by my colleague the Hon. Michael O'Brien, Minister for Finance.

QUESTION TIME

RIVERLAND SUSTAINABLE FUTURES FUND

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:47): A supplementary question: can the minister advise how many entities which receive funding from, as she put it, this

'highly successful' program, the Riverland Futures Fund, have received funding and have since ceased trading?

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) (14:48): None that I am aware of, but I am happy to check that and bring back a response if that is not correct.

SA WATER SERVICE CHARGES

The Hon. D.G.E. HOOD (14:48): I seek leave to make a brief explanation before asking the Minister for Water and the River Murray a question regarding the statewide infrastructure charges.

Leave granted.

The Hon. D.G.E. HOOD: SA Water has proposed a new framework for gaining revenue to support their extension to the mains network for water and sewerage. These so-called developer charges, which are in fact first home owners charges (an impost to them), include a statewide infrastructure charge applied to each new allotment connected to the SA Water network. The fee is $1,900 for water connection and $650 for sewer connection, a total of about $2,550 per allotment on average.

SA Water proposes to charge developers this so-called charge as a fee to service allotments in all new developments whether they be greenfield, greyfield or even brownfield across the state. In addition, where such developments do not fit within the SA Water capital plan, it seeks to charge developers an augment charge as a specific contribution to recover cost of upgrade to service that development area. ESCOSA and SA Water have advised the building industry in February 2013 that these changes are to be introduced effective 1 July 2013. My questions are:

1. Does the government approve of this proposed SA Water charging framework?

2. Is the minister aware of the opposition from the industry to any additional charge to the creation of a new block of land or revised allotment in infill areas for the purpose of building a house on it?

3. What additional revenue does the minister expect SA Water to achieve with this charging framework?

4. What would be the effect on government revenue from the distribution received from SA Water?

5. Has the minister calculated the additional impact these charges will have on the affordability of new homes for people in South Australia?

6. Is the charges framework proposed by SA Water consistent with the government's 30-Year Plan for Greater Adelaide?

7. What would be the effect of these new charges on the price of a new house in the fringe or greenfield growth areas, in infill areas and in community-titled, high-density developments?

8. Why has no formal public announcement of this plan been made?

The Hon. R.L. Brokenshire: Hiding, they are.

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:50): I thank the honourable member for his sensible question, which is not what you always get from that corner of the chamber; but, in this case, I cannot make that complaint.

Members interjecting:

The Hon. I.K. HUNTER: I can't, not in this case. Changes to SA Water's infrastructure charges are required as a result of the commencement of the Water Industry Act 2012 and the introduction of independent economic regulation of SA Water by the Essential Services Commission of South Australia.

Currently, the cost of infrastructure for new developments is funded by SA Water in a number of ways. A standard capital contribution is charged for connections to SA Water's

infrastructure, as the honourable member has mentioned, and augmentation fees are charged to developers on a case-by-case basis. Currently, the cost of infrastructure is also able to be subsidised by water rates and charges. That is the current situation.

ESCOSA has advised, however, that augmentation charges and statewide infrastructure charges (otherwise known as SWIC) are excluded retail services and therefore can no longer be subsidised by water rates and charges. I understand that ESCOSA had previously indicated to SA Water that it required a new framework for developer charges to be implemented by 1 July this year for the commencement of the first regulatory period. Staff from my office as well as staff from SA Water have met with representatives of the Urban Development Institute of Australia and a number of developers in relation to this issue.

I understand that as a result of concerns raised by the UDIA and other developers, SA Water has successfully negotiated with ESCOSA an extension of the implementation date for changes to its infrastructure fees and charges. The implementation date has been extended from 1 July 2013 to 1 September 2013, I have been advised. The delay in implementation will allow SA Water to engage in a further round of consultation with the UDIA and others.

As part of this further consultation, SA Water will engage a suitably qualified consultant to take submissions from SA Water and the development industry regarding the new fees and charges framework. This review will require that the framework is consistent with national water pricing principles as well the guidelines set by ESCOSA. In addition, the review will reassure developers that SA Water is not seeking to recover additional revenue through the new framework but is merely replacing the subsidy it is no longer able to recover from water rates and charges. To finish I will just say this: think very logically of the premise behind your question. Who is going to pay into the future: the developer or SA Water customers? That is the choice.

ASBESTOS, SCHOOL

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:53): I table a copy of a ministerial statement relating to potential asbestos exposure made earlier today in another place by my colleague the Minister for Education and Child Development.

QUESTION TIME

GOVERNMENT PROGRAM

The Hon. R.P. WORTLEY (14:53): My question is to the Minister for Sustainability, Environment and Conservation. Will the minister update the chamber on how the government has helped create a more sustainable South Australia over the last 100 days?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:53): I thank the honourable member for his most important question. I would also like to thank him for the support that he has given the government in helping the Premier, Jay Weatherill, achieve his ambitions and his ambitious agenda for our state.

The work performed by my agency (the Department of Environment, Water and Natural Resources) is central to achieving the government's key strategic priorities of realising the benefits of the mining boom for all South Australians and maintaining our premium food and wine from our clean and green environment culture. Whilst the department has a broad mandate, its ultimate responsibility is the protection of our environment and the sustainable use of our state's natural resources.

The last 100 days of government have been busy ones indeed. Key highlights from my perspective and my portfolio include the opening of the Adelaide desalination plant—

Members interjecting:

The Hon. I.K. HUNTER: —Adelaide's biggest infrastructure project and one that will secure our city's water supply and reduce our reliance on the River Murray for years to come. Those opposite deride this fantastic piece of infrastructure, despite the fact that they were out there with us advocating for a 50 gigalitre plant.

Members interjecting:

The Hon. I.K. HUNTER: Yes, the Hon. Ms Michelle Lensink, the Hon. Mr Ridgway and the Hon. Mr Stephens say 50—half. That's what they built down to the south—half a road to the south. It takes a Labor government to build a full road to the south. They wanted to build half a desal plant—half a desal plant for South Australians. It takes a Labor government to give South Australians water security to 2050. They don't care, they don't care about the south, they don't care about water—they never will.

The Hon. D.W. Ridgway: Why don't you read the whole of the Auditor-General's Report?

The Hon. I.K. HUNTER: Well, I did, and we can go to that if the honourable member likes.

Members interjecting:

The PRESIDENT: I will only call half of you to order.

The Hon. I.K. HUNTER: I can certainly do that because, in fact, I went to the very key points of the Auditor-General's comments, where they talked about the Hon. Mr Ridgway's side and how they couldn't even build half a plant. That's all they advocated and they couldn't even build that.

Members interjecting:

The Hon. I.K. HUNTER: And long may it remain so. Other key highlights—

Members interjecting:

The Hon. I.K. HUNTER: We wonder what half ideas you are going to come up with in the future. They certainly—

Members interjecting:

The Hon. I.K. HUNTER: Yes, we will believe that when we see a promise, won't we?

Members interjecting:

The Hon. I.K. HUNTER: Hubris, Mr President.

The PRESIDENT: Arrogance.

Members interjecting:

The Hon. I.K. HUNTER: Hubris and arrogance.

The PRESIDENT: The honourable minister will get back to the answer.

The Hon. I.K. HUNTER: Other highlights include:

- the announcement of another desalination plant at Hawker that will provide significant improvements to the quality of drinking water for the residents of Hawker;
- the expiry of the disallowance period of the Murray-Darling Basin Plan on 19 March, which saw the deal struck by Premier Weatherill to provide a better deal for the river and South Australians locked into legislation;
- the announcement of a new $17 million Port Wakefield pipeline project to supply additional water to the state's north, an important initiative for industry, agriculture and residents. Honourable members may recall I spoke about this a few weeks ago;
- the commencement of the removal of the Currency Creek regulator, an important step in returning the river back to health and, of course, of great importance to locals and traditional owners who live in the region;
- the opening of a new resource recovery centre in Adelaide's north that will consolidate recycling in the area, by enabling the recycling of many previously unrecyclable items and provide employment opportunities for people in the northern suburbs, including most particularly people living with disability;
- the passage of the Constitution (Recognition of Aboriginal Peoples) Amendment Bill 2013, which added a statement of recognition to this state's constitution to acknowledge Aboriginal peoples and help further the important process of reconciliation in our state; and

- the completion of the community consultations on the review of the Aboriginal Lands Trust Act 1996 and the creation of clearer lines of responsibility for Aboriginal affairs within government.

Of course, this is not an exhaustive list and there will be other lists to come.

In the few months I have been Minister for Sustainability, Environment and Conservation, I have been constantly impressed by the dedication and commitment of the officers within my department, and those whom I have had the pleasure of meeting so far have held a deep passion for their work in ensuring the protection of their environment and the sustainable management of our natural resources. I have visited numerous regions around state. I have seen a wide range of projects having significant impact on the environment, our water supply and the communities that depend on it, but what I have also witnessed is the desire of these communities for ideas, solutions and, importantly, action.

As you know, South Australia does not have the natural or historical advantages that some other states have. To overcome this, we require effective partnerships between government, industry and labour. We need to make smart decisions that enable us to do more with fewer resources. Indeed, the achievements I discussed earlier are clear examples of how the Jay Weatherill government has used partnerships to provide growth for South Australia.

A little over 100 days ago, the Leader of the Opposition outlined his vision for South Australia, and as everyone in the chamber I am sure will agree, the Leader of the Opposition promised big things. However, 100 days on, all we have seen and heard are old, rehashed policies, endless promises of policies to come and, most importantly, no action. Meanwhile, the Jay Weatherill government has continued full steam to implement its agenda under the Premier's seven key strategic priorities. Already South Australians are seeing through the Leader of the Opposition's strategy of smoke and mirrors and saying whatever the community wants to hear at any particular point in time, but what I can do today is put the following on the record.

The Jay Weatherill government, unlike the Leader of the Opposition, will not sit idly by. Over the next 100 days South Australians can look forward to this government working towards making South Australia a much more sustainable state, a more prosperous state for all South Australians.

GOVERNMENT PROGRAM

The Hon. J.M.A. LENSINK (15:01): By way of supplementary question, why did the minister omit from his list of achievements dragging the media down for the opening of the halfway point of the Southern Expressway?

The PRESIDENT: I don't see that arising out of the answer.

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (15:01): The honourable member will also note that I omitted from that list of achievements dragging the media up to Mount Lofty for no plan at all!

The Hon. K.J. Maher: That was the plan.

The Hon. I.K. HUNTER: Exactly right! The Hon. Ms Lensink bells the cat because, of course, the honourable Leader of the Opposition has no plans at all and drags people up to Mount Lofty to tell them so.

MOOROOK ANIMAL SHELTER

The Hon. A. BRESSINGTON (15:02): I seek leave to make a brief explanation before asking a question of the Minister for Sustainability, Environment and Conservation about the Moorook Animal Shelter.

Leave granted.

The Hon. A. BRESSINGTON: Last sitting week in this place the Hon. Michelle Lensink asked the minister a question in relation to the Moorook Animal Shelter. The minister's answer was that he was of the understanding that complaints had been made about Moorook, and that the RSPCA had acquired a warrant to go on to the property. My information has been that no warrant has been sighted or presented to the owner of Moorook at any time. Will the minister provide the

house with information on the date the warrant was issued, and when was the first visit that the RSPCA made to Moorook Animal Shelter?

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 her most important question. I said recently, as she noted, that inspectors employed by the RSPCA executed the primary enforcement functions prescribed under the Animal Welfare Act 1985 and its subordinate legislation in relation to an animal shelter at Moorook. I have been advised that since 2009 the RSPCA has received a number of complaints regarding the welfare of animals at that shelter. I refer to my comments made in this place on 30 April that RSPCA inspectors have attended the Moorook Animal Shelter on several occasions in the past and given directions in accordance with powers under the act.

I understand that after receiving a recent complaint, the RSPCA inspectors sought and obtained an unrestricted warrant to access the Moorook premises. As a result of the inspection conducted by the RSPCA inspectors under warrant, I am advised that a number of animals were surrendered and the owner of the Moorook premises was provided with five animal welfare directions in relation to all the animals on the property, which had to be complied with by 24 April this year.

As I also said in this place, I have been advised by my department that follow-up inspections were carried out by the RSPCA inspectors to ensure that the directions they issued were being met. No animals were removed on these subsequent occasions, and further directions were issued, which must be complied with by 25 April. On Thursday 2 May, I am advised, three RSPCA inspectors attended the Moorook Animal Shelter, including one who is an animal behaviourist, along with an independent veterinarian. The inspectors had a warrant and were accompanied by two police officers.

It was confirmed that the conditions of the animal welfare notices issued the previous month had not been fully met. On 8 May I am advised the RSPCA laid seven charges of ill treatment against the proprietor of the shelter. Both the charges and the particulars may be varied or added to over time as the case progresses, I understand. The matter will be heard for the first time, is my advice, in the Berri Magistrates Court on 24 June 2013. I am also advised that the RSPCA has properly recommended to the defendant, apparently in writing but also orally to the defendant's daughter, that she seeks the assistance of the Legal Services Commission, and it has provided her with the relevant contact details.

CAR PARKING LEVY

The Hon. T.J. STEPHENS (15:04): I seek leave to make a brief explanation before asking the Leader of the Government questions about the Premier's toxic car park tax.

Leave granted.

The Hon. T.J. STEPHENS: Recently, the Premier made statements in the media regarding the government's proposed car park tax. He said in one part:

> What we're simply doing is raising funds to improve public transport and services in South Australia. And they're the choices, you either support services for ordinary people or you support the big end of town who got in bed with the Liberal Party.

I question what the Premier and the government consider as 'the big end of town', given that the Adelaide City Council, which provides the vast majority of CBD parking, will be hit as well as the individual to whom the costs will inevitably be passed on anyway. My questions to the minister are:

1. Who is the Premier specifically referring to when he uses the term 'big end of town'?

2. If the Premier wishes to only tax private enterprise with this measure, can he confirm that the Adelaide City Council will not be taxed and that parking prices will not increase for consumers for an extended period of time following the implementation of this tax?

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): I thank the honourable member for his questions. Indeed, one of the reasons behind this tax is to address issues of toxicity; that is the point that the honourable member obviously fails to grasp. Like many other major capital cities that have similar

levies in place, this levy is about trying to ensure that we increase the use of public transport and reduce the amount of traffic and car emissions in the CBD.

This is indeed a sound policy direction, and it is consistent with many other major cities, as I said. I certainly do not want to be putting words into the Premier's mouth, but my understanding of 'the big end of town' is big businesses that are the mates of the Liberal opposition. They are the interests that the Liberal opposition largely supports. The Liberal opposition generally fails to look after simple working people or, for that matter, even small business. We see time and time again that the Liberal opposition is consumed by looking after its good mates—big business.

SHE LEADS CONFERENCE

The Hon. CARMEL ZOLLO (15:08): I seek leave to make a brief explanation before asking the Minister for the Status of Women a question about the YWCA.

Leave granted.

The Hon. CARMEL ZOLLO: The Adelaide YWCA's SHE Leads Conference is a full-day event focused on leadership and will be held in August 2013. My question to the minister is: can she advise the chamber how the government is supporting the YWCA's SHE Leads Conference scholarships?

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) (15:08): I thank the honourable member for her most important question. The YWCA SHE Leads Conference was first held in 2012, and I am advised that it received such positive feedback that it is being held again in 2103. The conference aims to encourage women to take the next step in their professional and personal leadership journey.

The conference will include speeches from women who are currently in or have previously held leadership positions. I am advised that this year the conference participants will hear from guest speakers such as public speaking expert Sharon Ferrier; Australia's first Global Ambassador for Women and Girls, Penny Williams; and the ABC *Lateline* presenter, Emma Alberici. The conference participants will also hear lectures on practical skills for leadership and, just as importantly, be able to participate in a fantastic networking opportunity. The conference provides a forum for like-minded young women of South Australia to come together and share ideas, advice and form new support structures.

To ensure that all women have equal access to attend the conference, the YWCA provides scholarships to women who otherwise may not be able to attend for financial reasons. A priority criterion is placed on young women who identify as Aboriginal or Torres Strait Islander or are from a CALD background, have a disability or live in rural or remote South Australia. The Weatherill government is very pleased to support important initiatives such as this and believes in working to ensure that an individual's financial situation is not going to be a hindrance to accessing education and training opportunities.

I am very pleased today to be able to inform the chamber that the Minister for Communities and Social Inclusion (Hon. Tony Piccolo) and I are providing scholarship support for 10 young women to attend the YWCA of Adelaide's 2013 SHE Leads conference, and I would like to acknowledge that several members of parliament have made financial contributions to ensure that scholarship places are available. I would also like to recognise that the Hon. Kelly Vincent has offered her support to this most important initiative and I certainly commend her for that.

I am advised that in 2013, the YWCA SHE Leads conference will be held on Friday 16 August at the National Wine Centre and nominations for scholarships are now open. They will close on Friday 24 May. I am advised that successful applicants will be informed in mid-June 2013. I encourage all those who are eligible to apply.

Members might recall that there have been numerous other initiatives that the South Australian government has been part of in this area. Along with the recent AICD scholarships announced by the Premier and me, the government has also supported rural women's leadership through funding initiatives that will build the leadership and representative capacity of women and girls living and working in rural, regional and remote communities.

On 6 March this year I was pleased to present the Rural Industries Research and Development Corporation Rural Women's Award. This is a very important award that supports women with leadership potential who have the desire and commitment to make a greater

contribution to the industry and their community. The winner, Miss Anna Hooper, received a $10,000 bursary provided by RIRDC to implement a vision for their industry and support the winner's professional development through formal business management training, the establishment of business plans or designing initiatives like pilot programs.

Anna, along with the runner-up, Dr Mardi Longbottom, also received a one-week residential Australian Institute of Company Directors' course to enhance their leadership capabilities. The course teaches the critical skills required about the duties and roles of board membership along with skills in risk management, strategy development, and organisational and financial performance.

This is just another example of the Weatherill government ensuring that prospects to learn new abilities, undertake skills development and participate in training and conference opportunities are available to all South Australians regardless of gender or socioeconomic status. The government continues to work towards an equitable society with the benefits shared across our community.

ANIMAL SHELTERS

The Hon. T.A. FRANKS (15:13): I seek leave to make a brief explanation before directing a question to the Minister for Sustainability, Environment and Conservation on the topic of animal shelters.

Leave granted.

The Hon. T.A. FRANKS: The minister may be aware of the No Kill or Counting Down to Zero movement that seeks to reduce as close to zero as possible the number of abandoned, unwanted or surplus companion animals that have to be euthanased in an animal shelter.

My understanding is that last year, according to the annual report of the RSPCA, of the 4,284 dogs they took in, 899 of those were euthanased for various reasons—that is 21 per cent of the dogs. Of the 2,400 cats, 822 were euthanased—that was 34 per cent of those cats. I actually commend the RSPCA for making those figures available. I was not able to get similar statistics for the Animal Welfare League. I was told that that information was only to be given to financial members.

However, the American-based No Kill Advocacy Centre has developed model legislation known as the Companion Animal Protection Act (CAPA). This legislation mandates programs and services which have proven successful at reducing euthanasia rates in shelters which have implemented them and focuses on those shelters with high rates of euthanasia. CAPA focuses on mandating a shelter's primary role as saving the lives of animals and believes that saving lives and protecting public safety are compatible.

It makes it illegal for a shelter to euthanase an animal if there is another organisation or shelter willing to take that animal. It provides minimum standards for nutrition, veterinary care and hygiene and environmental enrichment, including exercise. It also makes it illegal for shelters to euthanase surrendered animals without first making them available for rehoming or transfer to another shelter, even when an owner wants that animal euthanased.

My question is: will the minister undertake to task his department to investigate and assess the approaches advocated by the No Kill Advocacy Centre and report back to this council on how these policies and programs may be utilised by animal shelters across South Australia (if they are not already) to reduce the toll of animals euthanased in this state?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (15:15): I thank the honourable member for her most important question. Animal welfare is an issue I know she cares a great deal about, so I can understand the passion with which this question is raised. Those who work to ensure the welfare of animals, including the operators of shelters, are to be commended for their work. They provide an invaluable service to animals that are unable to protect themselves.

I am confident that all members here would agree that shelters have an obligation to ensure that animals are treated humanely and never left to suffer unnecessarily. The concept of a no-kill shelter is an admirable one. I would like to agree with the idea of a no-kill shelter but with certain limitations, where a no-kill shelter is seeking to enact that policy, to prevent the euthanasing of animals for the sake of convenience; for example, where the number of animals being

surrendered outweighs the capacity of that shelter to care for them, ideally animals should not be euthanased.

However, all shelters have an obligation to ensure that animals are treated humanely. This means that no-kill shelters should not be allowed to prevent the euthanasing of animals where the animals are injured or sick and unable to recover or in an unimaginable amount of pain. Indeed, I understand that shelters run by the RSPCA and the Animal Welfare League refuse to euthanase animals for the sake of convenience. I understand that neither organisation will euthanase an animal if it is healthy and has a temperament that will allow it to be rehomed.

As I am sure members are aware, there is currently a select committee in the other place looking into dogs and cats as companion animals. This select committee has broad terms of reference that include the goals of eliminating cruelty to dogs and cats, as well as reducing the number of animals being euthanased. I am advised that the select committee is currently considering submissions made by a wide range of individuals and industry stakeholders, and I understand this includes submissions made to the committee by advocates of no-kill approaches. I am also advised that it is expected that the committee will provide a report to parliament on its findings later this year.

I believe that the select committee may be the best place to seek the action the honourable member requires. Having said that, I would be very happy to be briefed by the honourable member on any research she has or does into this important policy area. I know it is an ongoing concern of hers, and I would be pleased to have her advice on how this operates in shelters around the country and overseas.

MINISTERIAL STAFF

The Hon. R.I. LUCAS (15:18): I seek leave to make a brief explanation before asking the minister representing the Premier a question on the subject of ministerial staffers.

Leave granted.

The Hon. R.I. LUCAS: On Wednesday 24 April, there were media reports that the federal government had increased termination payments for ministerial staffers. I note from the media reports that it appears that those new provisions are still less than the existing provisions in ministerial contracts here in South Australia.

I have been advised that long-term staffer and former chief of staff to Michael O'Brien, Mr Peter Hoppo, has had his contract terminated in the last few weeks, and there has been much speculation in Public Service circles about the circumstances surrounding that particular termination. I am further advised that Mr Hoppo has a substantive position in the Public Service to which he was entitled to return. The obvious question for the taxpayers is whether he was paid any termination payment upon his termination. My questions to the minister are:

1. Have any pay increases been paid to ministerial staffers since 1 January this year and, if so, what were they?

2. Has the government made any decision this year to alter the termination provisions of contracts of ministerial staffers and, if so, what changes were made?

3. Were any complaints made to minister O'Brien, or his office, about the behaviour or actions of Mr Hoppo by other members of the minister's staff?

4. Under what specific clause of Mr Hoppo's contract was he terminated, and can the Premier provide a copy of the details of that particular clause of the ministerial contract, and what was the level of any termination payment?

5. Did Mr Hoppo have a substantive position in the Public Service to which he was entitled to return and, if so, what was that entitlement?

6. Has Mr Hoppo been recently re-employed in minister Tony Piccolo's office?

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) (15:20): I will refer those questions to the relevant minister in another place and bring back a response.

GAWLER RIVER RIPARIAN RESTORATION

The Hon. K.J. MAHER (15:20): My question is to the Minister for Water and the River Murray. Will the minister inform the chamber of the work of the Gawler River Riparian Restoration group?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (15:21): I thank the honourable member for his very important question and acknowledge how much he gets around this state. I would like to inform the chamber about the work of the Gawler River Riparian Restoration group, a small group of passionate locals who, with the support of the state government and the broader community, are working to bring the Gawler River back to health.

With the support of a Natural Resources Management Achiever Community Grant from the Adelaide and Mount Lofty Ranges NRM Board, the group recently produced a short video which provides a valuable guide to watercourse restoration and local environmental action for other community groups to follow. The video also chronicles two significant local river restoration projects.

The first significant project is the Gawler River Restoration Project. This project has seen landholders and community members volunteering their time and ingenuity, with funding and technical support being provided by the regional NRM board, local council, and state and federal governments. The group's efforts are restoring a reach of the Gawler River near the town to a functioning indigenous ecosystem and an asset the community can connect with and take pride in. In a complementary initiative, the Department of Environment, Water and Natural Resources, in cooperation with SA Water, has been delivering a program of environmental flows to improve the health of the Gawler River catchment downstream of the South Para Reservoir. Similar environmental flows are also being supplied in the Torrens and Onkaparinga rivers, I am advised.

By providing environmental water at critical times, we have been able to improve the health of watercourse vegetation, allow many aquatic animals to complete their life cycles and refresh in-stream pools critical for so many native animals. I am told that sampling has shown that the number and diversity of native fish in the area has improved greatly as a result of these flows.

The second development highlighted in the group's video is the Urban Rivers project, which is helping increase Gawler's liveability through better connections to the wonderful rivers that are so central to it. I am pleased to advise that this project has established bike paths along the river corridors and unique low-level bridges providing quick, safe and sustainable travel across town as well as access to the leafy and tranquil river environments.

With the help of the NRM Achievers Grant, the group will make around 130 copies of the DVD available to councils, schools, Landcare groups, natural resource centres, Department of Environment, Water and Natural Resources officers, revegetation and weed contractors, libraries and media. Further copies of the DVD will be available through the Gawler Regional Natural Resource Centre, I am told.

Both the Urban Rivers and Gawler River Restoration projects have involved financial support and cooperation from diverse partners, and it behoves me to list them. They are: the Gawler Regional Natural Resource Centre, the Gawler River Riparian Restoration, the Gawler Environment and Heritage Association, Conservation Volunteers Australia, the Adelaide and Mount Lofty Ranges Natural Resources Management Board, the South Australian government, the federal government, the Gawler council, volunteer groups and local schools. I congratulate them all heartily.

ANSWERS TO QUESTIONS

BICYCLE HELMETS

In reply to the **Hon. M. PARNELL** (17 May 2012).

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

1. In 1994 in South Australia there was an investigation into the effectiveness of the introduction of mandatory helmet wearing on 1 July 1991. The evaluation by the then Office of Road Safety within the Department of Transport compared cycling crash hospital admissions in the two years before the laws introduction with the two years afterwards and found that mandatory helmet use was responsible for a 24.7 per cent decrease in hospital admissions for cycling injuries potentially preventable by the use of a bicycle helmet.

The most recent rigorous research conducted in Australia into the effects of the compulsory wearing of bicycle helmets has supported continuing with the requirement.

Bicycle Helmet Research—Centre for Accident Research and Road Safety, Queensland, November 2010:

This research reviewed the national and international literature regarding the health outcomes of cycling and bicycle helmets and examined crash and hospital data. It concluded that current bicycle helmet wearing rates are halving the number of head injuries experienced by Queensland cyclists.

Impact of compulsory cycle helmet legislation on cyclist head injuries in New South Wales—Accident Analysis and Prevention Journal, June 2011:

This study assessed the effect of compulsory bicycle helmet legislation on cyclist head injuries in New South Wales. Despite numerous data limitations, the study identified evidence of a positive effect of compulsory cycle helmet legislation on cyclist head injuries at a population level such that repealing the law cannot be justified.

2. No.

MOTOR VEHICLE ACCIDENTS (LIFETIME SUPPORT SCHEME) BILL

Adjourned debate on the question:

That this bill be now read a second time.

which the Hon. A.M. Bressington has moved to leave out all words after 'That' and insert 'the bill be withdrawn and referred to the Legislative Review Committee for its report and recommendations.'

(Continued from 2 May 2013.)

The Hon. S.G. WADE (15:25): I rise to speak on the Motor Vehicle Accidents (Lifetime Support Scheme) Bill. The bill before us basically does three things. The bill reforms the compulsory third party scheme operated by the Motor Accident Commission. The bill sets up a lifetime care authority for people who are catastrophically injured in motor vehicle accidents, and the bill meets some of the requirements of the federal government in relation to the National Disability Insurance Scheme.

To continue the theme of three, as the Hon. Kelly Vincent highlighted, there are also three components of the government's media campaign in support of the bill. Firstly, there was the spruiking to the media of compulsory third party insurance savings on all car registration expenses—savings that, in our view, are overstated initially for no apparent reason other than public relations. Secondly, there is an attack on lawyers accusing them of unnecessarily inflating the cost of the scheme and, thirdly, there is highlighting the provision of lifetime care cover to people involved in catastrophic motor vehicle accidents.

Let's be clear that the reform proposed by this bill is not driven by the scheme itself. The Motor Accident Commission is a statutory authority which acts as South Australia's CTP insurer and is funded by registration and provides approximately $330 million a year to road crash victims. The commission and the system it supervises have worked well. According to 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 annual profit with net assets of $238.5 million and, in 2012, the net assets were up to $397 million.

The CTP has been working well, doubly so when compared with workers compensation. The Liberal Party has approached this proposal with scepticism. In our view, if it ain't broke, don't fix it. Why would we let a party that has so poorly managed WorkCover loose on an insuring authority which is working well? The government claims that they have actuarial advice that they can assure the parliament that they will fully fund the scheme.

The dilemma for the opposition and for other members is that we do not have access to the information provided to the government and we do not have the capacity to generate the actuarial

advice on our own merits. We are dependent on the information the government provided, and we are expected to trust a government which is producing historic highs in both debt and deficit in the state's finances. We are expected to trust a government which is delivering a $1.4 billion unfunded liability in relation to WorkCover.

On the one hand, the government tells us that it is its policy to fully fund WorkCover. They don't. On the other hand, the government is telling us it is their policy to fully fund the Lifetime Support Scheme. We believe the government lacks credibility. We are nervous for the future of this scheme and people with catastrophic injuries who rely on it. The changes to the CTP are linked to the introduction of an NDIS—an element of the COAG agreement in relation to setting up the trial sites for the NDIS, as the states put in place a process to deal with catastrophically injured people under the motor vehicle accident schemes.

All states are required to have the schemes in place by 1 July this year, not to be operating but to at least be in place. 'Catastrophically injured' will be taken out of the CTP scheme and put under a new entity, which I understand is modelled on the New South Wales agency. Like the CTP scheme generally, the lifetime care authority will be funded by a levy on motor vehicle registrations.

The opposition supports the scheme and the bill because we support better protection for the catastrophically injured. However, this support is not being delivered without cost, and part of the cost is being borne by people with a disability who are less severely affected than catastrophic. Somebody who is not catastrophically injured may still be very seriously injured. The government is prone to say that it does not want to over-compensate minor injury. My concern is that between catastrophic and minor, there are thousands of South Australians with moderate to severe injuries who will be under-compensated, and unnecessarily so. In other words, the reform is targeting not only minor injuries but all injuries bar the catastrophically injured.

I would now like to highlight some particular issues. First, I am concerned that the intended regulations do not deal adequately with multiple injury. I understand that the regulations require a claimant to nominate a dominant injury and then restrict the assessment on the ISV for secondary injuries even though these injuries may be significant. Secondly, even when a claimant has satisfied the threshold for general damages, the entitlement for 11 points is only $3,000. I am informed that the Queensland equivalent is substantially more. Thirdly, I am concerned that the ISV itself is problematic, the ISV being the injury scale values.

The table, I understand, was designed for the Queensland system to compensate all tort injuries, not just motor vehicle injuries. The table was also designed for the Queensland system, which does not have a threshold. I believe it is inappropriate for the table to be applied to this scheme without fit-for-purpose reassessment.

The Hon. Kelly Vincent was right to highlight the dangers of working from an injury table in percentages. It is not necessarily a method that is going to work fairly in all cases. The impact of different injuries on different workers will vary dramatically depending on the work and the circumstances of a worker. As the Hon. Kelly Vincent put it:

> Assuming X equals Y does not work when looking at the way that injury and illness affects people's lives, we need to look at functionality—how things really impact on someone's day-to-day life, and work in particular.

The Hon. Kelly Vincent quite rightly highlighted the concerns that have arisen regarding this method of classification, not just in relation to this scheme but also in relation to the NDIS. Anybody who works in the disability area for any length of time will know the horrendous injustices done through people falling between the gaps between different classification regimes. People with disability do not benefit by being labelled: they need to be treated as individuals. I believe that the ISV risks are not allowing for the diversity of people's circumstances.

Again, let the people of South Australia know that this is a so-called Labor government that has not only talked about cutting entitlements to injured workers under the WorkCover legislation but is now setting about cutting entitlements to injured motorists.

Concerns have been raised with me about the complexity of the scheme and that that may well deter the provision of care by specialists. I am informed that it is already difficult to get surgeons and specialists—notably neurosurgeons—to treat CTP claimants. The scheme the government has developed is horrendously complex and I fear that practitioners may well choose not to treat in order to avoid the necessity to provide medico-legal reports. This is very concerning as a matter of good policy.

I am also concerned about the lack of time provided for the legislative stage of this process. I appreciate that the government's green and white papers have been out for some time, but I am of the view that the government has left far too little time for the consideration of this bill and that it should only be considered with the ISV and regulations available.

Even today, at 11:32, the Law Society issued a CTP reform update of the work that is still going on behind the scenes. This is a two-page update from the Law Society to its members talking about the work that has been done in terms of the development of the ISV. In fact, let me quote some of the early paragraphs, just to indicate the fact that this is not a settled bill that has been put before us; this is a work in progress and perhaps something of a movable feast. The update states in part:

> During recent weeks several further meetings of the Joint CTP Executive and representatives of the Government have been held in relation to the Injury Scale Value (ISV) which the Bill introduces. Those discussions were confidential on the basis that copies of the ISV Scale had not as yet been distributed to Members of the Legislative Council.
>
> At a meeting held yesterday, consent was provided for the Society to distribute copies of the most recent version to Members. Copies were provided to members of the Legislative Council last night with debate scheduled to continue in the Upper House today. The Joint CTP Executive considers this draft version of the ISV to be a substantial improvement over what was proposed in earlier drafts as a result of the consultation which has occurred to date.

'Substantial improvement', still referred to as a draft, still a work in progress, and here we are in the latter stages of the consideration of this bill by the parliament.

In the rush to get this bill through, the intended regulations and ISV with which they are inextricably linked, are yet being drafted. This council and this parliament will need to give the regulations and the ISV a rigorous review. I am concerned that it would have been more effective to have considered the detail of the bill in the context of the regulations and the ISV. It may yet prove necessary to come back and revise the bill as part of the parliament's consideration of the regulations and the ISV. Certainly a lot more time is required to carefully examine and refine the ISV and regulations to ensure that a better scheme results.

In closing, I would like to make some observations in relation to the involvement of the legal sector. As I said earlier, the government's campaign targeted the legal sector. In negotiations where legal sector representatives were fighting to protect the interests of people with disability, I understand they were confronted with threats of a negative campaign targeting lawyers. With South Australians with disability facing the curtailment of their rights, with lawyers under attack by his own government, the Attorney-General remains silent.

I do not reflect on the judgement of the legal sector groups that it was in the interests of their clients and the members to engage in confidential negotiations with the government. I am, however, concerned that when key stakeholders are bound to confidentiality and barred from the debate, the review by parliament is significantly impaired. I know that there is significant angst in the legal community about the deal that has been done and ongoing concern at the development of the ISV and regulations. I would like again to quote the Hon. Kelly Vincent on this point:

> We all know that bashing an ambulance-chasing lawyer is bound to be generally a publicly popular move, even if some of the people doing it are former lawyers and now politicians. However, like any other profession, there are those who are good at their job in the legal profession and those who are not, those who are sincere and genuine and those who are not. Whilst the government seems very keen to repeatedly tell us that the Law Society, the Bar Association and the Lawyers Alliance have now agreed to a negotiated position on this bill, I would hardly say that there is a gushing show of appreciation for this compromise.
>
> I know that many in legal circles are deeply concerned about the impacts that this could have on many people. They are not lawyers who are advocating for their own bank balances. These are people who genuinely care about how someone's life will be affected by a car accident. Lawyers are effectively advocates within the legal system, and they do not want to see the rights of the injured and maimed negated or removed, and nor should anyone in this chamber, I believe.

I associate myself with the remarks of the Hon. Kelly Vincent. I believe that a number of the members of the legal profession have very nobly tried to defend the rights of other South Australians. I share the concerns of the Hon. Kelly Vincent, the legal community and my fellow opposition colleagues about the way the government has gone about this bill.

The Hon. R.P. WORTLEY (15:39): I rise to offer my wholehearted support for the Motor Vehicles Accident (Lifetime Support Scheme) Bill. This bill expresses the full zeal of a reforming government, which has at its core true Labor values of social justice and a fair go for all. There are a number of reasons behind this piece of legislation. Chief among these is the fact that presently,

while our current CTP insurance system insures an owner, a driver and any passengers against liability for damages with regard to death or any injury of any person, there remain people who suffer catastrophic injury as a result of motor vehicle accidents and receive no benefits. This may be because the accident and injury are the fault of the person who was injured. It may be because the accident and injury are nobody's fault, but regardless of the circumstances it is the duty of a civilised and compassionate society to make provision for people who bear terrible injuries but have no entitlement to compensation.

Furthermore, it is the case currently that the payment for such compensation in South Australia is not commensurate with other state schemes. In addition, our insurance premiums have grown incrementally to an unacceptable level. As a result, our premiums are unreasonable and undoubtedly add to the cost-of-living pressures within the community. In essence, the bill will deliver a fairer system for those injured on our roads who consequently require life-time medical and related care and support. At the same time, it will make our compulsory third-party insurance scheme more affordable.

There are a variety of definitions of catastrophic injury, but it seems to me that they all refer to serious life-altering injury. Examples of such injury include: paraplegia, quadriplegia, severe burns over a large part of the body, the loss of sight, and traumatic brain injury. These injuries affect not only the victim but his or her family and friends as well.

The reverberations of a collision as a result of a moment's inattention, of the sudden glare of sunlight in the eyes, or of a swerve on a wet road to avoid an animal or, God forbid, a child, can be many. They can continue for the lifetime of the victim and the others involved. Let us consider just one case of which I am aware. This story was told by the mother a 19-year-old nursing student, catastrophically injured as a result of an accident not captured under the terms of our CTP scheme.

The mother was advised of this profoundly life-changing event for her daughter in terms that altered the future of the whole family. This bright, popular, young woman, with all the possibilities of social and professional life ahead of her, had suffered a severe brain injury. This beautiful girl was never the same again. She was in a coma for many weeks and her family had no certainty about her brain function should she survive. As it transpired, she lived, but she now requires care 24 hours a day, seven days a week. She is subject to seizures. Occupational therapy and physiotherapy form a major part of her daily medical care plan.

While her entire family is involved in her care, along with friends and community members, her parents are middle aged and becoming less capable of performing heavy physical day-to-day tasks. Her mother has expressed the fears for her future that all parents in these circumstances share. We read about this kind of story in the newspaper or see it on television. We cannot imagine that this will ever happen to someone we love, but it is the work of a moment.

While paraplegia, quadriplegia and traumatic brain injury are words and phrases with very particular meaning, what they really mean is a life sentence for everyone involved. As others have noticed through discussion on this issue, estimates indicate that each year compensation is unavailable to some 40 per cent of catastrophically injured accident victims in South Australia. Not all these people are blameless; speed is a factor in many motor vehicle accidents, but the current situation is unacceptable and it is beholden upon us to make sure that not one victim is left without support.

If any support for this contention were necessary, the Productivity Commission has concluded that a no-fault scheme is preferable to a fault-based paradigm in these matters. The commissioner determined that:

- existing fault-based insurance models for a catastrophic injury are inefficient because court decisions can be variable, future needs that are presently unthought of may arise in circumstances where a lump-sum payment may be insufficient, such payments may be poorly managed or subject to financial market fluctuations and, all of this aside, payment may be delayed to the detriment of the victim;
- our adversarial legal system, with it is twin impediments of cost and delay, can be detrimental to health and rehabilitation results for victims; and
- no-fault arrangements are consistent in terms of ongoing care that are able to envisage and meet changing care needs, and the coordination of care and support is more consistent over the claimant's lifetime.

It is proposed that the Motor Vehicle Accidents (Lifetime Support Scheme) will commence on 1 July 2014. The scheme will encompass two categories of claimant to be classified as 'interim' and 'permanent', thereby covering people before and until it is definitively understood whether they will be in need for life or otherwise.

The bill envisages that people who are catastrophically injured prior to the commencement of this scheme will be able to join in upon payment of an amount to be determined by the lifetime support authority, soon to be established. Furthermore, necessary and reasonable treatment, support and care will include doctors, medicines, dental therapy, rehabilitation, ambulance costs, respite carer and support services, appliances and prostheses, education and training, modifications to housing, workplace and transport, and any other treatment, support and/or care deemed necessary for a group of people or for individual persons.

This scheme bears the stamp of a government that is intent on improving and enhancing the lives of all members of the community regardless of their circumstances. It certainly has many more features that are worthy of discussion but these few remarks should serve to indicate my firm conviction that this bill is one that is reasonable, necessary and well thought out, a bill that represents the best intentions of our community, the best intentions, in consequence, of our legislature, and the best that we can achieve for those whose circumstances change for whatever reason in the very blink of an eye.

The Hon. J.S.L. DAWKINS (15:45): I move:

That the debate be now adjourned.

The council divided on the motion:

AYES (12)

Bressington, A.	Brokenshire, R.L.	Darley, J.A.
Dawkins, J.S.L. (teller)	Hood, D.G.E.	Lee, J.S.
Lensink, J.M.A.	Lucas, R.I.	Ridgway, D.W.
Stephens, T.J.	Vincent, K.L.	Wade, S.G.

NOES (9)

Finnigan, B.V.	Franks, T.A.	Gago, G.E. (teller)
Hunter, I.K.	Kandelaars, G.A.	Maher, K.J.
Parnell, M.	Wortley, R.P.	Zollo, C.

Majority of 3 for the ayes.

Motion thus carried.

STATUTES AMENDMENT (REAL ESTATE REFORM REVIEW AND OTHER MATTERS) BILL

In committee.

(Continued from 2 May 2013.)

Clause 12.

The CHAIR: The Hon. Mr Darley has an amendment.

The Hon. J.A. DARLEY: Mr Chairman, I will be withdrawing all my amendments.

Clause passed.

Clause 13.

The Hon. D.G.E. HOOD: I have been told that I should take the lead of the Hon. Mr Darley and follow his example, but I will not do that: I do have some amendments to move, and it is a serious matter, so forgive me. I move [Hood-2] 1:

Page 7, lines 4 to 11 [clause 13(7), inserted subsection (6a)]—Delete subsection (6a) and substitute:

(6a) If, in relation to a sales agency agreement, a *notice of expiry* is given in the prescribed manner to the vendor by the agent who has been authorised to act on behalf of the vendor under the agreement—

(a) the vendor may, by notice given to the agent before the date on which the agreement is due to expire, indicate his or her intention not to extend the agreement, in which case the agreement terminates on that date; or

(b) if notice is not given under paragraph (a), the following provisions apply, subject to subsection (6ab):

(i) the agreement may be extended—

(A) by agreement between the parties recorded in writing and dated and signed by the parties no earlier than 14 days before the agreement is due to expire; and

(B) for a period not exceeding the number of days prescribed by regulation;

(ii) if the agreement is not extended under subparagraph (i), it is taken to have been extended by force of this paragraph for the period prescribed by regulation from the time at which it would otherwise have expired.

(6ab) A sales agency agreement cannot be extended more than once.

(6ac) If a notice of expiry is not given by an agent to a vendor in accordance with subsection (6a), the sales agency agreement terminates on the date on which it is due to expire and cannot be extended.

I should say to my colleagues in the chamber that amendment set [Hood-1] is redundant. Members in this place would have received an email from me several days ago which essentially outlined the purpose of these amendments. There are only a few of them.

I would state at the outset that they are supported by the Real Estate Institute of South Australia and I have had personal discussions with Greg Troughton who, I am sure, many people in this place know well. He has endorsed these amendments, and we have done them in cooperation with him and the institute. I would also like to acknowledge the work of the Hon. Terry Stephens, who has presented very similar amendments. There are a few minor differences, but they are of course very similar, so I think in the end we will get there.

Just to briefly explain these amendments, I think they are fairly clear, and they deal with the ending of the agency agreement. There was some contention about how an agency agreement should end and what happens. My amendments spell out what happens at the end of an agency agreement. Essentially, there are three outcomes, which again I think are spelt out fairly clearly in the amendments themselves. Basically, at the expiry of the agreement, it is up to the agent to send a notice to the vendor 14 days before the agreement lapses explaining that there are, essentially, three options available to the vendor, and I think they are spelt out quite clearly in the amendment.

The CHAIR: Before you respond, minister, the Hon. Mr Stephens also has an amendment to clause 13, which we should have considered first.

The Hon. T.J. STEPHENS: I move:

Page 6, lines 33 to 40 (inclusive) [clause 13(5)]—Delete subclause (5)

This amendment removes the original bill's subclause (5a), which prohibits changes to a sales agency agreement in regard to selling price. Our understanding is that this would be burdensome on the vendor, as there may be a considerable amount of time between when the in-principle selling price was first agreed and when the property finally goes to auction, which would warrant a change, however slight. These agreements should be as flexible as possible, which the original subsection (5) of the act allows.

I should note, particularly for the benefit of my crossbench colleagues, that this amendment is the test case for the removal of the 110 per cent nexus provision, which is amendment No. 6 standing in my name.

The Hon. G.E. GAGO: The government strongly opposes this amendment. This is a key provision designed to stamp out underquoting in the real estate industry once and for all.

There were two things of interest in the second reading debate on the proposed underquoting reforms that need to be noted. The first is that the Hon. Terry Stephens read out a letter, pretty well verbatim, from Mr Steve von der Borch, a principal at Harcourts Aqua, who attacked the proposed underquoting provisions; the second is that the honourable member proceeded to question me about the lack of complaints and enforcement action that Consumer and Business Services had undertaken in relation to underquoting.

I have already explained why it is so difficult for the CBS to take enforcement action; how ironic it is, then, that of the two assurances the CBS has actually received over the last few years in relation to underquoting, one is from Vonte Bre Pty Ltd, the sole director of which is—you guessed it—Mr Steve von der Borch. It seems a little incongruous that the opposition has relied so heavily on the opinions of someone in the industry about underquoting who has, himself, given an assurance that he will not underquote in the future.

I simply do not understand why the opposition is so keen to throw a party for those agents who engage in this insidious practice, especially when everyone—the opposition, the real estate industry and the general public—is in agreement that we must get rid of underquoting. It is the general public that suffers the most, but obviously the Hon. Terry Stephens and the Liberal opposition do not care about their interests.

Purchasers are fed up with seeing an advertised property price, outlaying money on building inspection reports, turning up to an auction, and then finding out that the vendor never, ever intended to sell the property at that price. These situations are causing significant consumer detriment in respect of financial, emotional and time commitments.

The vendor and the agent can get away with it, and they know they can. They can get away with it because, under current legislation, the reserve is not regulated and there is no nexus between the marketing of a property and the reserve set by a vendor. At any time prior to the start of the auction a vendor can set their reserve, and this reserve could be any figure, no matter what is put in the sales agency agreement as their acceptable price. Marketing of the property still continues at the lower figure specified in the sales agency agreement, even when the vendor is fully aware that they have no intention of accepting an offer at that price.

This situation also leads to collusion between the agent and the vendor. They can easily collude to specify a low price in the sales agency agreement and market at that price, knowing full well that the vendor can set their reserve at any figure above that price. By creating a nexus between the acceptable selling price and the vendor specified in the sales agency agreement and the reserve, this new provision will:

1. encourage the vendor to seek more than one valuation on their property;

2. encourage the vendor to specify an accurate selling price in the sales agency agreement;

3. eliminate the marketing of a price significantly lower than what the reserve will be;

4. eliminate collusion between the agent and the vendor to deliberately estimate low prices in the sales agency agreement; and

5. create transparency in the auction process by allowing a purchaser to have a reasonable idea of what the reserve of a property will be if it is marketed.

The government will not back away from this commitment to ensuring that the real estate industry is as transparent and accountable as possible.

The Hon. T.J. Stephens' amendment negatived.

The Hon. D.G.E. HOOD: I spoke to my first amendment a moment ago.

The CHAIR: Do you intend to move amendments Nos 2 and 3?

The Hon. D.G.E. HOOD: I am happy to move them as one and explain them now. I move:

Page 7—

Line 14 [clause 13(7), inserted subsection (6b)]—After 'agreement' insert:

under subsection (6a)(b)(i)

Lines 19 to 22 (inclusive) [clause 13(7), inserted subsection (6c)]—Delete subsection (6c) and substitute:

(6c) A vendor may, by notice in writing given to the agent at any time during a period of extension of a sales agency agreement, terminate the agreement without specifying any grounds.

These are, again, very simple amendments and were explained in the email I sent out a week or so ago. They deal with the ending of the agency agreement and exactly how that would work. Essentially, it puts in place a time period of 14 days, prior to which time the agent has to advise the

vendor that it will come to an end, and deals with exactly how that is to be done. I think it is straightforward enough.

The CHAIR: The Hon. Mr Stephens, you also have your amendment, covering lines 4 to 32, which overlaps with the Hon. Mr Hood's amendment.

The Hon. T.J. STEPHENS: I move:

Page 7, lines 4 to 32 (inclusive) [clause 13(7), inserted subsections (6a) to (6d)]—Delete subsections (6a) to (6d) (inclusive) and substitute:

(6a) An agent who has been authorised to act on behalf of a vendor by a sales agency agreement must, not later than 30 days before the agreement is due to expire, give the vendor notice in writing of the approaching expiry of the agreement and the rights of the vendor to extend the agreement in accordance with this section or to make a new sales agency agreement with the same agent or another agent.

Maximum penalty: $5,000.

Expiation fee: $315.

(6b) A sales agency agreement may be extended at any time before it is due to expire by notice in writing given by the vendor to the agent who has been authorised to act on behalf of the vendor by the agreement.

(6c) A sales agency agreement that has been extended under subsection (6b) continues, by force of this section—

(a) for a further period equivalent to the duration specified in the original agreement; and

(b) on such other conditions as applied under the agreement immediately before its extension,

(subject to any variation of the agreement in accordance with this section).

(6d) Despite subsection (6c)(b), a party to an agreement that has been extended under subsection (6b) may, at any time during the period of extension and without specifying any grounds, terminate the agreement by giving the other party at least 7 days notice in writing of the termination.

The Hon. G.E. GAGO: The government rises to support all of the Hon. Dennis Hood's amendments. These amendments are moved following negotiations between the government and the Hon. Dennis Hood's office and REISA. The main differences between these amendments and what was originally proposed by the government are as follows.

First, the notice of the vendor's rights to extend or terminate must be provided to the vendor no later than 14 days before the expiry of the agreement. This is a new provision and the government is happy with this extra layer of consumer protection.

Secondly, the extension may be up to a period of 180 days rather than the government's original proposal of 90 days. We still consider the 180 days too long but acknowledge the fact that the vendor is able to terminate the extension immediately and at any time. This helps to alleviate any concerns about the undue locking in of consumers for long periods.

Thirdly, if a vendor has not indicated that they wish to terminate the agreement following receipt of a notice of expiry, the agreement will automatically roll over to a period of 180 days. The government originally had some concerns about this provision, particularly as the onus is now on the vendor to terminate the agreement at some point rather than just let it naturally lapse.

However, after further consideration, the government feels that these concerns are alleviated by the fact that the automatic rollover only occurs if the vendor has received the notice of expiry and not responded and that the vendor has the right to terminate any extension immediately and at any time. The new notice of expiry provisions will also encourage the vendor to consider the progress of their agent in making a decision about whether to terminate or extend which can only be a good thing.

The Hon. T.J. STEPHENS: Given that this amendment is basically heading down the same path as my amendments that I flagged some time ago and we moved in the other place, the opposition is very happy to support the Hon. Dennis Hood and his intent.

The Hon. T.A. FRANKS: Just for the record, the Greens indicate they will be supporting this amendment as well and commend both the Hon. Dennis Hood and the Hon. Terry Stephens

for their work in drawing the attention of this issue to the council. We also commend the government for being able to negotiate with this council to agree to these amendments.

The Hon. D.G.E. Hood's amendment to insert new subsection (6a) carried.

The CHAIR: The question now is that the other amendments moved by the Hon. Mr Hood be agreed to.

Amendments carried.

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

Page 7, after line 34—After subclause (8) insert:

(9) Section 20—after subsection (9) insert:

(10) For the purposes of this section, a notice of expiry, in relation to a sales agency agreement, will be taken to have been given to the vendor in the prescribed manner if it is given to the vendor no earlier than 14 days before the agreement is due to expire.

(11) In this section—

notice of expiry, in relation to a sales agency agreement, means a notice in writing—

(a) reminding the vendor of the date on which the agreement is due to expire and the vendor's rights to terminate the agreement; and

(b) setting out the vendor's rights to extend the agreement and the effect of subsections (6a), (6ab), (6b) and (6c).

Amendment carried; clause as amended passed.

Clauses 14 and 15 passed.

New clause 15A.

The Hon. T.J. STEPHENS: I move:

Page 9, after line 39—After clause 15 insert:

15A—Amendment of section 24G

Section 24G—after subsection (7) insert:

(7a) However, a person is not considered to obtain a beneficial interest in land or a business merely because the person is appointed as property manager in relation to the land or business.

This amendment removes a perceived conflict of interest in terms of the law for an agent appointed to manage a property that they have just sold. Currently, it could be argued that agents in breach of this could be liable for a fine of up to $25,000 or one year imprisonment. That is the basis for our amendment.

The Hon. G.E. GAGO: The government rises to oppose this amendment. This amendment is unnecessary and, once again, I simply do not understand why this amendment has been filed. The Attorney-General made it quite clear in the other place that an agent of a property who subsequently becomes a property manager does not obtain a beneficial interest in that property. Indeed, the member for Goyder also stated that he had received parliamentary counsel advice that stated exactly the same thing and that he would respect the Attorney-General's statement on the matter. So I am at a complete loss to understand why we are actually debating this amendment in this place.

While there is clearly no need for this amendment, I am happy to place on the record that an agent in such a situation as contemplated by this amendment does not obtain a beneficial interest in that property. They are merely acting as an agent or a servant of the owner of the property and are not obtaining any interest whatsoever.

Members interjecting:

The CHAIR: Order!

New clause negatived.

Clauses 16 to 22 passed.

The Hon. J.A. DARLEY: I would just like to add something. I withdrew my amendments on the basis that they would not be supported. This is mainly due to the fact that some agreement has been reached between REISA and the Society of Auctioneers. What I am seeking from the minister instead is a firm commitment that the government will not dilute the standards applicable to agents and sales representatives when considering the national occupational licensing regime, which I understand is due to commence in June 2014. No doubt all members would be aware that much of what we are agreeing to today relates directly to the government's considerations with respect to the nationalisation process. That commitment would provide the industry with a great level of certainty and clarity as it moves forward.

The Hon. G.E. GAGO: I can provide a response to the Hon. Mr Darley. While South Australia acknowledges the value of national licensing and harmonised eligibility criteria for licensing of property related to occupations, the government recognises the additional specialised nature of duties undertaken by real estate agents and sales representatives in South Australia. The government wishes to maintain the high levels of service and protection for South Australian consumers in this regard. The government is committed to ensuring that agreement can be reached in relation to the National Occupational Licensing System (NOLS) and to working within the NOLS framework.

At the same time, the government will endeavour to ensure that the higher level of protection and service is able to be maintained by setting qualifications at a higher level in South Australia in relation to these additional specialised duties carried out in this state outside the NOLS eligibility requirements. The government will be engaging with REISA and other interested parties in order to achieve this outcome through the NOLS consultation process and the passage of legislation reform required to enact NOLS in 2014.

Title passed.

Bill reported with amendment.

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) (16:17): I move:

That this bill be now read a third time.

Bill read a third time and passed.

BURIAL AND CREMATION BILL

In committee.

(Continued from 2 May 2013.)

Clauses 35 to 62 passed.

Clause 63.

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

Page 34, lines 29 to 36—Delete the clause and substitute:

63—Self-incrimination

A person is not required to answer a question or to produce, or provide a copy of, a document or information under this Act if the answer, document or information would tend to incriminate the person of an offence or make the person liable to a penalty.

Clause 63 of the bill proposes to remove the privilege against self-incrimination. The parliamentary Liberal Party is sceptical of proposals to wind back an individual's privilege against self-incrimination. Our general approach is that we only support such moves where there are strong policy grounds to do so. The opposition's consultation indicates there are not strong policy grounds to do so in this case.

In debate on the bill in the House of Assembly the Deputy Leader of the Opposition questioned the Attorney-General on the inclusion of the clause. In his response, the Attorney-General stated:

No, I did not explicitly ask for it. Parliamentary counsel does fascinating things: 99 per cent of the time they are fabulous. As far as I know, not every minister asks for every single word that we get, so this is part of the mystery—you have identified part of the mystery. I do not think that it is a bad thing to have it in there, but I did not explicitly ask for it. I do not believe anybody explicitly asked for it. My understanding is that it is a pretty standard sort

of—I can honestly say that I have never turned my mind to that particular matter and now, having done so, I do not see any particular mischief being created by it.

The mischief in our view is the removal of a fundamental legal right. The privilege against self-incrimination has been part of the common law since the late 18th century. At that time there was a radical shift in criminal law procedure. Prior to that time a criminal trial was seen as giving the accused the right to speak and answer the charge against them. At that time the criminal trial came to be seen as an opportunity for the accused to test the prosecution case. This resulted in the adoption of what some call the three most fundamental rights of an accused: the privilege against self-incrimination; the beyond reasonable doubt standard of proof; and, the exclusionary apparatus of the rules of evidence.

We have seen time and again this Labor government trying to undermine the fundamental legal rights of individuals, and clause 63 of this bill is another example. As I have stated, we do not believe the privilege should be removed in this case. The government has filed an amendment on this issue. What the government's compromise proposes is that the removal of the privilege only applied to part 2 of the bill. Part 2 deals with serious offences with serious consequences. Under it, people facing up to $20,000 in fines and four years' imprisonment would have their basic legal rights removed in dealing with offences with severe consequences.

Accordingly, I have moved my amendment to protect the individual's privilege and I urge the council to support it in preference to that of the government. We believe people need to have the right to protect themselves throughout the bill.

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

Page 34, line 32—Delete 'or make the person liable to a penalty' and substitute:

of an offence against Part 2.

Will we deal with Mr Wade's amendment first?

The ACTING CHAIR (Hon. J.S.L. Dawkins): There is a process.

The Hon. G.E. GAGO: I will speak to Mr Wade's amendment first. The government opposes the Hon. Stephen Wade's amendment. Clause 63 abrogates the privilege against self-incrimination but applies to use immunities against the use of the information provided by virtue of that abrogation. The opposition is opposed to any attempt to abrogate the privilege against self-incrimination. The government considers that there is good public policy behind abrogation in certain circumstances so long as use immunities apply to the information provided by virtue of that abrogation.

Clause 63, as currently drafted, provides that, where a person is required to answer a question or provide a copy of a document or information under the act, the answer, document or information is not admissible in evidence against the person in proceedings for an offence, other than proceedings in respect of the making of a false or misleading statement or declaration. The government is, however, prepared to accept a focusing of this abrogation to only those most serious offences under the bill.

Accordingly, the government has filed an alternative amendment to this amendment that limits the abrogation to investigation into offences against part 2 of the bill, which includes the unauthorised destruction of human remains. The government opposes this amendment and commends its alternative amendment to clause 63 to the committee.

The ACTING CHAIR (Hon. J.S.L. Dawkins): The first question I put is that all words in clause 63 down to but excluding 'or make the person liable to a penalty' stand as printed.

The committee divided on the amendment:

AYES (7)

Finnigan, B.V.	Gago, G.E. (teller)	Hunter, I.K.
Kandelaars, G.A.	Maher, K.J.	Wortley, R.P.
Zollo, C.		

NOES (14)

Bressington, A.	Brokenshire, R.L.	Darley, J.A.

NOES (14)

Dawkins, J.S.L.	Franks, T.A.	Hood, D.G.E.
Lee, J.S.	Lensink, J.M.A.	Lucas, R.I.
Parnell, M.	Ridgway, D.W.	Stephens, T.J.
Vincent, K.L.	Wade, S.G. (teller)	

Majority of 7 for the noes.

The Hon. G.E. Gago's amendment thus negatived.

The Hon. S.G. Wade's amendment carried; clause as amended passed.

Clauses 64 and 65 passed.

Clause 66.

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

Page 36, lines 7 and 8 [clause 66(2)(c)]—Delete 'prescribed facilities' and substitute 'crematoria'

This amendment simply replaces the references to 'prescribed facility' with the term 'crematoria'. The term 'prescribed facility' was used throughout the draft bill that was released for public consultation, but it was subsequently replaced with references to crematoria as a result of amendments arising from public consultation. The reference in this particular provision was overlooked and the amendment simply corrects that oversight.

The Hon. S.G. WADE: The opposition supports the amendment.

Amendment carried; clause as amended passed.

Schedule and title passed.

Bill reported with amendment.

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) (16:34): I move:

That this bill be now read a third time.

Bill read a third time and passed.

CO-OPERATIVES NATIONAL LAW (SOUTH AUSTRALIA) BILL

Adjourned debate on second reading.

(Continued from 30 April 2013.)

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) (16:36): I understand that this is a quite straightforward bill. Members of this chamber are in support of the bill and prepared to deal with it expeditiously, and I appreciate their cooperation in that regard.

Bill read a second time.

Bill taken through committee without amendment.

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for the Status of Women, Minister for State/Local Government Relations) (16:39): I move:

That this bill be now read a third time.

Bill read a third time and passed.

WHEAT MARKETING (EXPIRY) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 2 May 2013.)

The Hon. D.W. RIDGWAY (Leader of the Opposition) (16:41): I rise on behalf of the opposition to make some brief comments about the Wheat Marketing (Expiry) Amendment Bill and indicate that the opposition will be supporting this bill. The bill will repeal the Wheat Marketing Act 1991. As members would be aware, we now have in place Primary Industry Funding (PIF) schemes and the idea of repealing the Wheat Marketing Act is to line up with the coming into operation of the Primary Industry Funding schemes.

The Liberal Party has spoken to industry. As members would know, I have been the shadow minister for agriculture for about 100 days, Mr Steven Marshall having been a very good new Leader of the Opposition for a bit over 100 days now. I was appointed shadow primary industries minister after that change of leadership and one of the very first groups I met with was the South Australian Grain Industry Trust. They were concerned that the minister would be making some changes and were not quite sure what changes they would be.

Members interjecting:

The Hon. D.W. RIDGWAY: They were concerned, shall I say. It was a good opportunity to catch up and talk to some people whom I have known for many years. I have consulted with them and with former member for Light and former minister Malcolm Buckby, who is the executive officer of the South Australian Grain Industry Trust (SAGIT). I have spoken to Malcolm and the South Australian Grain Industry Trust is happy with what this bill will do.

As members would know, the new Primary Industry Funding Scheme currently provides a mechanism for collection of voluntary contributions of industries, and grain is one of those industries. In fact, the grain industry stakeholders have agreed to the collection of contributions moving from the Wheat Marketing Act to the PIF scheme. In other words, there are arrangements already in place to allow for the collection of voluntary contributions for grain research and development.

The minister, I think on 2 May, made a comment in this chamber in relation to that and said, very clearly, that it was in order to avoid any interruption in the collection of contributions to the fund that the government intended 'to repeal the Wheat Marketing Act on the same day as the PIF act grain research scheme commences'. I raise the comment by the honourable member in the hope that the government will honour its commitment and repeal the Wheat Marketing Act to avoid interruption in the collection of contributions.

It was timely today that I received a press release and I thought I would read it into the record. It is from Grain Producers SA (GPSA) which is the body that is funded through the PIF scheme, and they have agreed to collect money on behalf of SAGIT. The press release from GPSA reads:

SAGIT trustee appointed

South Australian Grain Industry Trust (SAGIT) chairman Jim Heaslip, warmly welcomes the appointment of David Shannon as a new trustee to the SAGIT Trust.

Mr Shannon is a sheep and grain farmer at Kapunda in South Australia and Marrawah in Tasmania with extensive experience in the agricultural industry. He has a long history of industry representation including, Southern Regional Panel Chairman of the Grains Research and Development Corporation (GRDC) for nine years and Southern Panel Member for an additional 10 years.

'David has contributed significantly to grains research and development over many years and we welcome his experience and knowledge to the SAGIT Trust,' said Mr Heaslip.

Chairman of Grain Producers SA Ltd (GPSA), Garry Hansen, commented 'We are fortunate to have such committed and progressive grain farmers in South Australia that are prepared to foster research and development in the grains industry.'

Mr Shannon joins the other trustees of SAGIT, Jim Heaslip (chairman), Michael Treloar and Linda Eldredge.

Mr Shannon was selected following a public advertisement placed in the *Stock Journal* in March this year. A selection panel comprising members of SAGIT and GPSA interviewed some exceptional candidates for the position.

As part of the modernization of SAGIT the selection committee recognized the particular skill set of Tanja Morgan and have appointed her to the Trust as a Specialist Advisor. Ms Morgan is currently a member of the SAGIT Project Management Committee.

The Grains Trust is currently funding about $1,400,000 worth of research in SA per year, conducted locally in SA on SA grains issues.

Since its inception SAGIT has invested more than $17,000,000 in research on behalf of SA farmers. This is augmented further by leveraging funds from GRDC, Australian Research Council, governments and private sources, which effectively more than doubles the SAGIT investment.

I have read that into the record just to demonstrate how closely now under the new model Grain Producers SA and the Grains Industry Trust are working together where both the Chairman of SAGIT has welcomed this appointment but also Mr Hansen from Grain Producers SA has welcomed the appointment. I think it indicates how the grain industry is moving forward and they will be very supportive of the repeal of this act. With those few words, I commend the bill to the parliament.

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) (16:47): I thank the opposition for their support for this fairly straightforward—well, it is actually not straightforward as it is quite convoluted. It is a simple administrative response to an act that has now become redundant and shifting the ability to provide industry fees to another mechanism through a PIF fund. It is supported pretty well unanimously. As soon as you say 'unanimously' someone will put their head up. It has been supported almost unanimously by the industry and, as I said, it is a fairly straightforward administrative matter.

Bill read a second time.

Bill taken through committee without amendment.

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for the Status of Women, Minister for State/Local Government Relations) (16:48): I move:

That this bill be read a third time.

Bill read a third time and passed.

At 16:50 the council adjourned until Wednesday 15 May 2013 at 10:00.