LEGISLATIVE COUNCIL

Thursday 16 May 2013

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

PAPERS

The following papers were laid on the table:

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

13th Report of the Occupational Safety, Rehabilitation and Compensation Committee: Responses to Committee Recommendations

By the Minister for Water and the River Murray (Hon. I.K. Hunter)—

TAFE SA Ministerial Charter dated 29 April 2013
Water for Good—Report, 2012
Water for Good Progress Report Card 2012

MOTOR VEHICLE ACCIDENTS (LIFETIME SUPPORT SCHEME) BILL

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:17): I table a copy of a ministerial statement made by the Minister for Health and Ageing in another place.

QUESTION TIME

DESALINATION PLANT

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:18): I seek leave to make a brief explanation before asking the Minister for Water a question regarding the secret deal between the government and AGL.

Leave granted.

The Hon. D.W. RIDGWAY: South Australia has a desalination plant double the size we need, which is closed at the moment because we do not need it at all. Water bills have tripled under Labor. Paying for this essential liquid now is a family struggle. The desalination plant, if it was running, would use an enormous amount of electricity, but the government has locked us into a long-term deal to pay for electricity we will not be using to run the desalination plant that we do not need. We will pay for electricity under the 20-year contract whether we use it or not. Every South Australian who turns on a tap will cop the electricity bill, paying through the nose and the hose. According to published documents, SA Water is paying $50 a megawatt hour, when the market price is around $30 per megawatt hour. My questions to the minister are:

1. What is the minimum payment taxpayers will have to make to AGL annually?

2. Was the bill last financial year $4.4 million?

3. What will be the total cost over the 20 years of the contract?

4. Why did you sign a 20-year contract when a shorter term would have been much more sensible?

The PRESIDENT: Minister, I ask the minister to ignore the opinion and the debate in the brief explanation.

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

The PRESIDENT: And your interjections, the Hon. Mr Dawkins, are the most audible ones.

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:20): I thank the honourable member for his very important Thursday question. When Labor came to government in 2002—

The Hon. G.E. Gago interjecting:

The Hon. I.K. HUNTER: Well, it is the end of their questions—they run out of questions by Thursday and they come up with these anodyne little questions, which I am very pleased for them to trot out to us.

The Hon. G.E. Gago: They run out on Tuesday.

The Hon. I.K. HUNTER: Sometimes in a bad week they do bring them out on Tuesday, that's true. It is a very important topic, so I will give it all the important consideration that I can muster.

The Hon. G.E. Gago interjecting:

The Hon. I.K. HUNTER: Well, I could try. When this government came to office in 2002, Adelaide and other parts of the state were almost entirely dependent on the River Murray and our local reservoirs for meeting our water needs. Unfortunately, due to the shortsightedness of those opposite, the Liberals had left South Australians, businesses and industry at the mercy of our climate, a climate that is changing in a way that is likely to challenge us with more frequent and intense dry periods. They had no foresight for the future. It took a Labor government to actually grapple with what Adelaide's water needs will be into the future.

This government announced that the desalination project would be powered by renewable energy when we decided to pursue it. Following a competitive tender process, AGL was awarded the 20-year renewable energy contract. AGL is Australia's largest private owner/operator and developer of renewable generation, with more than $2.3 billion worth of accredited renewable projects, either built or under construction, and another $2 billion in its portfolio, I am advised, of development opportunities.

Under the contract, AGL will supply accredited renewable energy and renewable energy certificates to match all the energy consumed by the Adelaide desalination plant, as metered at the plant boundary. The renewable energy will come from AGL's existing South Australian generators accredited under the GreenPower Program, I am advised, and from AGL projects in South Australia, either under construction or in its development pipeline, which also meet GreenPower accreditation standards.

This is achieved through the purchase of accredited renewable energy certificates to match 100 per cent of the energy consumed by the ADP, including the energy consumed by the desal plant marine works and the transfer pipeline system and as metered at the plant boundary. The people of South Australia know that we were in a very difficult position with regard to our water security during the last drought. The people of South Australia know that we will face similar circumstances again into the future, and they will be grateful to know that they have the security of water supply that we never had under the Liberal government.

DESALINATION PLANT

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:23): By way of supplementary question, is there an annual payment to AGL, regardless of the amount of electricity used, to provide that supply to the desalination plant?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:23): I can only say that I imagine that, if we have entered into a 20-year contract with AGL, there will be an annual payment scheme—that makes sense.

DESALINATION PLANT

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:24): By way of further supplementary, is the minister saying that he only imagines—he doesn't know?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:24): I was actually trying to invite the honourable member, using gentle words, to use his imagination about how contracts work.

DESALINATION PLANT

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:24): By way of supplementary question, what is the annual fee paid to AGL to supply the electricity?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:24): For the annual fee, I will have to come back to him with the exact amount.

DESALINATION PLANT

The Hon. R.L. BROKENSHIRE (14:24): By way of supplementary question, the minister said that the desalination plant—

The PRESIDENT: What's your question?

The Hon. R.L. BROKENSHIRE: Well, the question is that the minister said it had run on—

The PRESIDENT: That's not a question.

The Hon. R.L. BROKENSHIRE: The question is: is it being run on renewable energy—

The PRESIDENT: Well, if the question is 'the minister said', I agree: he said something. Now, what's your question?

The Hon. R.L. BROKENSHIRE: The question is: is the desalination plant being run on renewable energy or offset by renewable energy?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:24): I can only repeat what I have said in my discussion and in answer to the Hon. Mr Ridgway's original question. This is the problem with the Hon. Mr Brokenshire: he never, ever listens to the answers that are given in this place—

The Hon. R.L. Brokenshire: You said it was run by renewable energy. That is not true. You have misrepresented—

The Hon. I.K. HUNTER: And now the honourable member says he already knows the answer so, obviously, there is nothing that I can say that is going to convince the honourable member. I can repeat the answer I have given which refutes exactly what he is proposing, and I suggest he looks that up again.

DESALINATION PLANT

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:25): I have a supplementary question. Has the minister been briefed on the running costs of the desalination plant, that is, all of the costs, including the cost of the supply of electricity?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:25): I can advise the honourable member I have been fully briefed in these matters by my agency.

DESALINATION PLANT

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:25): Further supplementary: if the minister has been fully briefed, why does he not know the annual cost of providing the power supply to the desalination plant by AGL?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:26): The honourable member is putting words in my mouth. That is not what I said.

The Hon. D.W. Ridgway: You just said it.

The Hon. I.K. HUNTER: No, that's not what I said. I said that I will come back to him with a response.

SAND DUNES

The Hon. J.M.A. LENSINK (14:26): I seek leave to make a brief explanation before asking the Minister for Sustainability, Environment and Conservation a question regarding the Tennyson dunes system.

Leave granted.

The Hon. J.M.A. LENSINK: The protection of the Adelaide metropolitan dunal system and beaches is an ongoing issue that requires careful consideration to preserve what we have left, and various versions of coast park plans have existed since 1996. At present, sections of a shared path have been constructed between North Haven and Sellicks Beach and a fairly vulnerable section to connect Terminus Street, Grange and Third Avenue, Semaphore Park remains unresolved.

An organisation known as the Coastal Ecology Protection Group Inc. has been involved with this issue for several years. CEPG is a non-profit organisation which aims to protect, preserve and restore the coastal dunes from Grange jetty through to Semaphore Park. While it supports the City of Charles Sturt's plans to build a safe and useable pathway, it is concerned about further damage to our dunal system.

The current proposal, the Local Area Bike Plan, would cause major environmental damage to the dunes and corridors from north to south and, as a result, CEPG developed an alternative plan titled Coast Park—Torrens Beaches Alternative Design of Recreational Path. It is my understanding that an application is currently underway with DEWNR to have these dunes heritage listed. My questions to the minister are:

1. Can he advise whether the state government has an agreement with the City of Charles Sturt to provide funding for this project?

2. Does he support the heritage listing of the dunes?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:28): I thank the honourable member for her most important question. At least the Hon. Ms Lensink does her homework and comes into this place with some very valuable questions which go to important policy matters. Her leader might—

Members interjecting:

The Hon. I.K. HUNTER: Mr President, I hesitate to heap any more praise on the honourable member because I am sure it will do her a great disservice.

Members interjecting:

The Hon. I.K. HUNTER: Get back to the attacks, fair enough. The shared pathway through the dunes system at Tennyson is something that has been of concern to the local community, as I understand. The Charles Sturt council has, I think, been liaising well with my department and the community that is involved. I know there are some concerns about whether the shared pathway should go through the system at all, but there is a strong desire to have a continuous pathway along the coast. I am sure that my department will work closely with the affected communities and the council to come up with an optimum solution.

To the best of my knowledge, I am not aware that there has been a heritage listing approach about the dune system. If I see that correspondence I will be making decisions, of course, on their merits.

UPPER SPENCER GULF

The Hon. S.G. WADE (14:30): I seek leave to make a brief explanation before asking the Minister for Regional Development questions relating to the Upper Spencer Gulf memorandum of understanding.

Leave granted.

The Hon. S.G. WADE: On Wednesday 25 September 2012 at Whyalla, representatives of the commonwealth, the state of South Australia and the Local Government Association signed a memorandum of understanding for a place-based approach to the Upper Spencer Gulf. This initiative is intended to support regional development in the Upper Spencer Gulf by developing and prioritising key projects for the region.

Under the MOU, the Minister for Regional Development is responsible for providing leadership and coordination with respect to South Australia's commitment under this memorandum. My questions are:

1. Can the minister advise how many meetings have been convened since the signing of the Upper Spencer Gulf MOU in September 2012?

2. Can the minister advise how many of those meetings have been attended by the state Minister for Regional Development?

3. Can the minister provide the details of the names and positions of the state government representatives who have attended the meetings to date?

4. Can the minister confirm if minutes from the meetings of the Upper Spencer Gulf Working Group will be available on PIRSA's website for the public to view?

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for the Status of Women, Minister for State/Local Government Relations) (14:31): I thank the honourable member for his most important questions. Indeed, on 25 September the state and federal governments and the Local Government Association of South Australia signed an MOU in Whyalla to establish a place-based approach to regional development in the Upper Spencer Gulf. The purpose of that place-based approach is to facilitate the development of coordinated, strategic, place-based investment strategies for the USG and associated regions.

A partnership agreement with the federal government to recognise that we have a mutual interest in developing that place-based approach will focus on a holistic view of the region's economy, social and community wellbeing, and also the current and planned significant state, federal, local government and private sector investments.

There are a number of factors arising from that. Whilst endorsement of strategies arising from the place-based approach does not mean a commitment to fund specific projects, nevertheless this approach provides a much more targeted and compelling case for federal government funding, such as the RDA Fund which is $1 billion, and also the Regional Infrastructure Fund which is $4.5 billion. Hopefully, these projects will be able to target some of those funds.

The MOU includes mutual objectives and outcomes sought for the USG and governance arrangements, which includes minister Albanese, myself, local government leaders supported by a working group of officers from the three levels of government, and also local regional development Australian bodies. The governance framework includes:

- an Upper Spencer Gulf Alliance, consisting of the federal and state regional development ministers, the president of the LGA SA, the mayors of the three USG cities (Port Pirie, Port Augusta and Whyalla);
- an Upper Spencer Gulf Working Party, consisting of the chief executive officers of the three USG city councils, the chief executive officers of the three RDA committees, the executive officers of the relevant regional local government associations, the executive officer of the Upper Spencer Gulf Common Purpose Group, and senior officers from the federal department and PIRSA;
- a South Australian reference group, including senior officers from federal agencies with a presence in South Australia, state government agencies, the LGA SA and the three RDAs; and also
- a commonwealth reference group, including senior officers from key commonwealth agencies.

The USG Working Group has reviewed the draft place-based strategy development by the DRALGAS, and over 70 initiatives have been prioritised within the five draft action plans. It was agreed that the three USG councils would then further review their local projects and prioritisation process detailed in that draft action plan. PIRSA is, obviously, the leading South Australian government agency inputting into those draft strategy documents and draft action plans.

The USG Alliance held its inaugural meeting here in Adelaide in February to consider and endorse the proposed draft strategy, and I attended that meeting. Further work will be undertaken by the USG Working Group on refining the action plans for each strategy area, articulating the timing, responsibilities and required support.

Whilst, as I said, endorsement of the strategies arising from the place-based approach does not mean a commitment to actually fund the projects identified, it is providing a targeted vehicle for approaching the federal government for funds. As I said, it is quite a complex and extensive governance arrangement in terms of the reference group and the alliance groups, and the number of those meetings I would have to take on notice.

As I said, I am not in charge of this process. It is a process that involves the partnership of three levels of government; we are all equal partners in that. I personally do not have any problems with putting copies of minutes online—I would have assumed that they were—but all partners would need to agree to that. I cannot see any reason they would not, but I am happy to check and, if partners agree, for the minutes of any of those levels of governance to be publicly available—as I said, with the permission of all partners.

NARACOORTE REGIONAL LIVESTOCK EXCHANGE

The Hon. G.A. KANDELAARS (14:37): I seek leave to make a brief explanation before asking the Minister for Regional Development a question about a development in the South-East.

Leave granted.

The Hon. G.A. KANDELAARS: Producers of livestock are familiar with the role played by saleyards as the specialised marketplace for livestock buyers and sellers to meet and trade. Can the minister advise the chamber of the improvements to facilities for such sales in the South-East?

The Hon. R.L. Brokenshire: Heaps.

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): That's right; the honourable member points out that there have been considerable advances, and this is yet another advancement that I know the Hon. Mr Brokenshire will also be supportive of.

The Hon. R.L. Brokenshire: And Rob Lucas; he comes from there.

The Hon. G.E. GAGO: Absolutely. I am very pleased to be able to advise the chamber that, with assistance from the state government, the Naracoorte Regional Livestock Exchange has been able to undertake upgrades. This 42-year-old facility, which is owned by the Naracoorte Lucindale Council, has been undergoing a major upgrade that has been undertaken in stages over five years, assisted by a grant of $200,000 from the Regional Development Infrastructure Fund towards phase 2 of this project development. The development of the exchange is ongoing for the period of its operation to ensure adequate levels of animal welfare and occupational health and safety standards for all user groups.

Phase 1 of the project was directed to water management and saving. It involved the upgrade of existing wash-down water treatment of trucks, collection of run-off from the new yard roofing, and treatment of storm and wastewater. Phase 2 has included a new electronic weighbridge and associated yards alongside the lead-up yard, where stock is separated from stockmen or drovers, with a series of pens and gates, for safety purposes.

The saleyard was established in 1973, and although it has been well maintained over the years we all know that equipment and buildings age, new technology becomes available and operational constraints and new initiatives emerge The redevelopment is expected to deliver productivity and efficiency improvements as well as making sure that the yards meet the needs of the industry. The new weighbridge and upgraded lead-up yards are designed to improve operator safety and animal welfare, with quicker throughput of cattle for live weight sales.

Double handling will be reduced, as will waiting times for transport operators, which in turn reduces fatigue issues for staff and means livestock spend less time in the yard. I am advised that the new layout helps both to reduce stress on livestock and to overcome some occupational health, safety and welfare issues; for example, the new weighbridge is much easier for workers in the saleyard to clean.

The exchange, which is a European Union and nationally accredited facility located five kilometres east of Naracoorte, plays a very important role in the Naracoorte community as well as the livestock industry. This upgrade will have a significant positive economic impact on the region. I am advised that, in the 2011-12 period alone, 105,000 cattle and 468,000 sheep were sold through this Naracoorte exchange, including livestock from New South Wales, Victoria, Northern Territory and Western Australia, at the value, I am told, of $135 million, making it one of the highest-selling livestock facilities by volume in Australia. I do not know whether the Hon. Robert Brokenshire knows that fact. He is nodding his head; he does know that fact. I am most impressed.

The total value of the livestock production, which includes meat, milk, wool and eggs, to South Australia last year was $2 billion. This project aligns with the state government's seven key priorities, in particular, with supporting businesses and regions in producing premium food from our

clean environment. I certainly congratulate the Naracoorte Lucindale Council on its successful management of this important project and its vision in bringing it to fruition.

RAW MILK

The Hon. M. PARNELL (14:42): I seek leave to make a brief explanation before asking the Minister for Agriculture, Food and Fisheries questions on the issue of raw milk.

Leave granted.

The Hon. M. PARNELL: I have been advised that on Tuesday this week (14 May), officers from Biosecurity SA, the Dairy Authority of South Australia and a police officer entered the property of Mark and Helen Tyler of Moo View Dairy in Willunga Hill to confiscate supplies of raw milk. Like other members, I have been contacted by the owners of one of the cows in question, who was extremely upset at the actions of the authorities. These owners argue that, while it is illegal to sell raw milk to the public, as far as they are aware it is not illegal to drink raw milk from their own cow. One person who has made contact with me this morning has written:

> I am a member of a 'Cow-Share' program which allows me to have access to unpasteurised milk. This milk is very safe and incredibly nutritious. Beside the difference in species, it is no different to drinking breast milk, which we do not pasteurise prior to feeding it to our babies.

Members interjecting:

The Hon. M. PARNELL: I'm quoting a constituent letter. I continue the quote:

> I have purchased my shares, and I pay the dairy a fortnightly fee for board (costs of milking, etc.) and delivery each week. I am an educated person, a physiotherapist, and I am aware of the pitfalls of drinking pasteurised milk and the incredible health benefits of drinking raw milk, including the effect that it has on gut flora and as such allergies. I also accept that there is a minimal element of risk involved in drinking raw milk, which is minimised by ensuring the cows are healthy and that the process of milking them is hygienic.

Another person has written to me again this morning:

> As a family of four and living on a suburban block, we are unable to house, care for and maintain our cow and employ the valued services of the Tylers at Moo View Dairy to do so on our behalf. It is upsetting to hear that Mark and Helen Tyler have been subjected to such unprovoked and disrespectful treatment. We believe that the 'authorities' have misunderstood the service provided by Tylers at Moo View Dairy in that we as Shareholders do not purchase raw milk but employ the Tylers to house, care for and maintain our cow.

All of these constituents believe that what has happened is an appalling obstruction of their freedoms. My questions to the minister are:

1. Why have officers from Biosecurity, the Dairy Authority and a police officer confiscated milk from Mark and Helen Tyler without permission from any of the cows' owners and served a compliance order to prevent shareholders from accessing any more milk from their own cows?

2. Since when is it illegal to drink raw milk? Does this mean that someone is breaking the law if they squirt milk directly from their own cow into their mouth?

3. What do you intend to do on behalf of Mark and Helen Tyler and the shareholders who own the cows in question?

4. How does this action promote South Australia's reputation as a state that promotes food culture and a closer relationship between farmers and city dwellers?

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for the Status of Women, Minister for State/Local Government Relations) (14:45): I thank the honourable member for his most important question. A compliance action, I have been advised, has been issued against Moo View Dairy and it is subject to legal proceedings. Therefore, it would be inappropriate for me to comment specifically about that particular business. However, what I can do is talk more generally about our policy for pasteurisation of milk and why that is so important.

Before going on to that, I understand formal processes have commenced and if any party believes that there has been improper behaviour or any improper actions taken in any part of that process, there are processes for complaint, and I would be advising those people to pursue those complaints formally if they believe something improper has occurred.

I have been advised of this recent case involving a compliance action with regard to a South Australian dairy supplying potentially raw cow's milk to the public. As I said, I am unable to

provide specific information about that business, but what I can say is from 2008 to 2012 the national food standard authority, Food Standards Australia New Zealand (FSANZ), conducted extensive public consultation on raw milk and milk products, which included a thorough scientific assessment on the public health risk. All these documents are publicly available on the FSANZ website, so I would urge honourable members to make themselves familiar with those. A final report of FSANZ in May 2012 concluded that raw drinking milk presents too high a risk to consider any permission in the National Food Standards Code. FSANZ said:

> For raw drinking milk, even extremely good hygiene procedures won't ensure dangerous pathogens aren't present. Complications from bacteria that can contaminate these products can be extremely severe, such as haemolytic uraemic syndrome or HUS—

and we are familiar with that here in South Australia—

> which can result in renal failure and death in otherwise healthy people.

FSANZ also said:

> People with increased vulnerability to diseases caused by these bacteria include young children, elderly people, people with compromised immune systems and pregnant women and their foetuses.

South Australia, along with every other state, prohibits the sale of raw cow's milk—unpasteurised milk.

An honourable member interjecting:

The Hon. G.E. GAGO: It is quite absurd for the honourable member to say, 'Do we prohibit the squirting of milk into someone's mouth?' Our laws are quite clear. We prohibit the sale of raw cow's milk.

An honourable member interjecting:

The Hon. G.E. GAGO: That is our law and that is what is being investigated at the moment, and we will let those actions proceed and evidence be taken and we will see that due process is applied and we will see what the outcome is, but that is what our law is. Raw cow's milk has a higher risk of contaminating pathogens that can cause illness and cannot be treated to render it safe for consumption, unlike pasteurised milk. Raw cow's milk can contain a wide variety of organisms that could cause illness, and those most at risk are vulnerable in our community—children, in particular.

Protection of consumers' rights is important; however, it is overridden where the health risk to the community is considered sufficient to modify those rights. With raw cow's milk, the key consideration is that there is an alternative, safer product available which is pasteurised milk and the more vulnerable individuals in the community may not be aware of the increased risk if they access that raw product.

The government supports value-adding to primary products, including dairy products, and it has provided extensive support to groups such as artisan cheesemakers and specialist milk producers. It has supported new marketing opportunities such as regional farmers' markets. However, the government does not support enterprises that try to make money by breaking the law and putting consumers' health at risk; we come down on that very hard. I think every member in this chamber would support the government in that and no doubt would support the same thing, and that is we do not support breaking the law by putting consumers' health at risk. Many older people—

The Hon. K.L. Vincent interjecting:

The Hon. G.E. GAGO: What are you so afraid of? What are they so afraid of as to let a process—

The PRESIDENT: Minister, you will ignore the interjections and stick to the answer.

The Hon. G.E. GAGO: Let a proper process be undertaken and let an investigation ensue. What are they so afraid of? If there is nothing wrong, then that is what will be found. Obviously there is a different view about that and we have a responsibility if we believe or are concerned that the law has been broken.

The Hon. A. Bressington interjecting:

The Hon. G.E. GAGO: If we are concerned that the law has been broken, then we have a responsibility to investigate that. They have nothing to be afraid of, and I am quite alarmed. What is

the Hon. Ann Bressington so afraid of? If there is no wrongdoing and no law, why is she so frantic? Why do we see this level of anxiety if she has nothing to be concerned about?

Members interjecting:

The PRESIDENT: Order! Are you going to finish the answer, minister?

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

The PRESIDENT: Yes, and ignore the interjections.

The Hon. G.E. GAGO: I will, thank you for your advice, Mr President. There have been disease outbreaks in Australia and overseas, the most recent example being one in Alaska where over 20 people who drank raw milk sourced through a cow share scheme became seriously ill. In New Zealand a disease outbreak associated with raw milk consumption occurred in May and June in 2011 and involved eight people. An example of a particular concern involving raw milk was last year when a toddler and two young teens from Portland, Oregon in the US were hospitalised with E. coli poisoning, two with kidney failure (the haemolytic uraemic syndrome that I have referred to) for drinking raw milk.

As I said, even extremely good hygiene procedures will not ensure that these dangerous pathogens are not passed on. We will let due process be done and the investigations completed and, as I have said to the honourable members, I have assured them that if there clearly has been no wrongdoing, then no-one needs to be concerned. That is what will be determined.

RAW MILK

The Hon. S.G. WADE (14:54): A supplementary: in light of the concerns the minister has raised, has the government taken other steps to identify any other milk sharers and inform them of their legal obligations?

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) (14:54): To the best of my knowledge, I am not aware of any other raw milk products being dealt with in this particular way but if the honourable member has some information that he would like to pass on, I am happy to have that investigated as well.

WATER FOR GOOD

The Hon. K.J. MAHER (14:54): My question is to the Minister for Water and the River Murray, and my question about water is a relevant and sensible one. Will the minister provide an update on the government's water security plan released in 2009, Water for Good?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:54): The honourable member has brought out another excellent question, as is his wont. I thank him for his ongoing interest in these matters. Of course, as one of the very few members hailing from close to the Murray, he will have this ongoing issue.

Members interjecting:

The Hon. I.K. HUNTER: I am advised that he is crossing the river several times a week these days, so—

The Hon. D.W. Ridgway interjecting:

The Hon. I.K. HUNTER: Well, that might be his intention when he goes home to visit mum and dad, which I am sure he is much too busy to do as much as he should. In 2009—

Members interjecting:

The Hon. J.S.L. Dawkins: It would be a good idea to get on with the answer.

The PRESIDENT: If the interjections stop, the Hon. Mr Dawkins.

The Hon. I.K. HUNTER: Thank you, sir. In 2009 the Labor government released the Water for Good plan, a plan to secure our state's water supply to 2050 and beyond. It was an ambitious plan, a plan that contained 94 recommendations to be driven by state government and supported by local government, the commonwealth, private industry and the community. It was a plan to ensure there would always be enough water for industry and the population. It was a plan to reduce our reliance on one of our most precious resources, the River Murray.

I think everyone here today would agree that for far too long generations of successive South Australians and generations of successive governments in this state have taken water security for granted. As I have said in this place before, and as Premier Jay Weatherill has said repeatedly, the consequences that the drought of the mid-2000s foreshadowed for our state could not be ignored.

Since the release of the Water for Good plan, the government has made significant progress in meeting the 94 recommendations. Thirty have been completed and another 50 are well on track, I am advised. Thirteen are experiencing minor delays and one, the construction of a temporary weir at Pomanda Island within Lake Alexandrina, is no longer required, thanks to the efforts of this government in securing a better deal for the River Murray and increased environmental flows down the system.

Members interjecting:

The Hon. I.K. HUNTER: It grates with those opposite to see a government so much in command of these issues and delivering for our state and the people of the River Murray communities. I can advise the plan is well on track. Some of the highlights this financial year include: the adoption of the Murray-Darling Basin Plan by the federal minister; the commissioning of the Adelaide desalination plant; the continued construction of stormwater harvesting and re-use projects in Adelaide; the passing of the Water Industry Bill 2012 by this parliament; and the adoption of the Safe Drinking Water Regulations 2012, which came into operation, I am advised, on 1 March 2013.

I have spoken about the basin plan and the desalination plant at length in this place and I can go on if people wish me to, but I thought I might move to new territory. I will say this: the Jay Weatherill government has taken the fight to the Eastern States and Canberra to return the river to health. This government, led by Premier Jay Weatherill, would never have built a one-way desalination plant. We are proud of our achievements in this regard in delivering for the future water security of our state, something the Liberals opposite never, ever contemplated. They never, ever contemplated it. As I mentioned earlier, there has been significant work around our capital city in regard to stormwater harvesting and re-use.

Members interjecting:

The Hon. I.K. HUNTER: I repeat myself. As I mentioned earlier, there has been significant work—

The Hon. R.L. Brokenshire: Absolutely. It's Thursday.

The Hon. I.K. HUNTER: The Hon. Mr Brokenshire says it is Thursday. On Thursdays he is usually off down the farm, milking his cows. He hardly ever stays around on a Thursday. As I mentioned—

The Hon. D.W. Ridgway: He sells his milk and it's pasteurised.

The Hon. I.K. HUNTER: Well, I hope it is. As I mentioned earlier, there has been significant work around our capital city in regard to stormwater harvesting and re-use. At their completion, these combined projects will ensure South Australia remains a national leader in the area of stormwater harvesting and will provide the potential to harvest up to 23 gigalitres of water a year.

I should also mention the Water Industry Bill passed by the parliament in April 2012. This will now see economic regulation of the water industry undertaken by the Essential Services Commission of South Australia. In addition, the Energy Industry Ombudsman will now extend his responsibilities (or hers in a future time) to the water industry. Both these initiatives will provide customers with independent economic regulation and more power when it comes to settling disputes.

The year ahead will see further progress of a number of important actions, including the further construction of stormwater harvesting and re-use projects across Adelaide, implementing the first stages of the basin plan and development of the urban water blueprint, which help manage our urban water reservoirs in an integrated manner.

The Hon. D.W. Ridgway interjecting:

The PRESIDENT: The Hon. Mr Ridgway will come to order!

The Hon. D.W. Ridgway interjecting:

The PRESIDENT: The Hon. Mr Ridgway will lead properly.

The Hon. I.K. HUNTER: Achieving all these key actions identified in Water for Good—

The Hon. D.W. Ridgway: Throw him out.

The PRESIDENT: You can leave any time you like, sir.

The Hon. I.K. HUNTER: —will ensure that our state has a secure and reliable supply of water to support the growth of our population and our economy into the future—

Members interjecting:

The PRESIDENT: You can leave if you want—I'm not keeping you here.

The Hon. I.K. HUNTER: —while preserving our quality of life and our precious environment.

The Hon. R.I. Lucas: Order!

The PRESIDENT: You'll come to order, too!

The Hon. I.K. HUNTER: I commend the efforts of the officers in my department for their hard work for the people of South Australia, and I am sure they will continue that work into the future.

The PRESIDENT: The Hon. Ms Lensink at least listened to the answer and has a supplementary.

WATER FOR GOOD

The Hon. J.M.A. LENSINK (15:00): When is the ESCOSA decision to be made—this month, any day now?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (15:00): I am wondering which ESCOSA decision she is contemplating? I imagine that she is talking about the—

The Hon. J.M.A. Lensink interjecting:

The Hon. I.K. HUNTER: I think ESCOSA has to determine the revenue cap for SA Water, and I think the pricing is determined by SA Water. I understand that the process is underway. It is coming close to completion. SA Water has to be able to advise of its new water prices by 1 July, and we will hear an announcement any day soon.

HUMAN TRAFFICKING

The Hon. D.G.E. HOOD (15:01): I seek leave to make a brief explanation before asking a question of the Minister for the Status of Women on human trafficking of females in South Australia.

Leave granted.

The Hon. D.G.E. HOOD: The extent of human trafficking in Australia is difficult to quantify: there have been a number of attempts to do so, but it is difficult for obvious reasons. It has been estimated that the number ranges between 300 and 1,000 people each year approximately, although the true number could be much higher than this. The United Nations Office on Drugs and Crime, the UNODC, lists Australia as one of 21 trafficking destination countries in the high destination category.

This problem was acknowledged in 2011 by the federal government with the federal minister for the status of women at the time, the Hon. Kate Ellis, stating in a media release:

> Some 83 per cent of trafficking victims identified in Australia are women working in the sex industry.

The minister at the time was announcing an increase in the existing government's funding of $1.6 million to tackle human trafficking in Australia. It is estimated that there are currently twice as many slaves worldwide being trafficked for sex and other forms than when the famous Christian philanthropist Lord William Wilberforce succeeded in the United Kingdom parliament in making slavery illegal in 1807, over 200 years ago. My questions of the minister are:

1. What steps are being taken currently by the state government to monitor and detect sex slavery in South Australia, if any?

2. What data is available about the extent of sex trafficking in South Australia as compared with other states?

3. There have been prosecutions for sex trafficking in the Eastern States. Have there been any prosecutions in South Australia?

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for the Status of Women, Minister for State/Local Government Relations) (15:03): I thank the honourable member for his most important question. The crime of human trafficking, particularly that associated with the sex industry, is a particularly appalling thing to do to human beings, particularly women, and I know that the federal government has looked at this issue; as the honourable member says, Kate Ellis was looking at this some time ago. I know the federal government continues to look at that and monitor this issue carefully.

This issue has come up in this place before, and I know I have put information on the record before, but I am happy to repeat that: namely, I have had informal discussions with SA Police and also with sex industry advocates here in South Australia. Their view is that it is an offence that rarely occurs in South Australia. I do not know whether it is because Adelaide is a distance from the eastern borders and there is the tyranny of distance—I am not sure—but we do not appear to have the same sort of problem that occurs in some of the Eastern States.

However, I do not believe that Australia has a particularly high prevalence of this offence, either. I think that there are other countries that are more susceptible to this sort of crime than Australia. However, I do accept that it does happen here. I am not aware of any prosecutions here in South Australia. I am happy to take that on notice and if that information is available I am happy to provide that.

I think the issue the honourable member hits on is a very important one, and that is one of the reasons I have supported the decriminalisation of the sex industry and am a big supporter of the Hon. Stephanie Key's legislation, which I will be tabling in this place again, hopefully, within the foreseeable future. The decriminalising of the sex industry is a very important tool to help open up the sex industry because at the moment prostitution is considered illegal so we know it goes underground and occurs behind closed doors. We all know it is an industry that is well established, has been since the day dot, and continues. Because it has failed to be regulated and open and scrutinised, it becomes a receptacle for crimes and criminal actions, and human trafficking is one of them. I take it, then, that the honourable member would support our bill, when it comes in, to decriminalise the sex industry.

The Hon. D.G.E. Hood: Are you saying where it's legal there is trafficking and where it is illegal there is none?

The Hon. G.E. GAGO: That's not what I said. What I am saying is—

The Hon. R.I. Lucas interjecting:

The Hon. G.E. GAGO: Honourable members should open their ears and listen. What I said is that, where an industry is open, transparent and well regulated, it is less inclined to be used as a receptacle for criminal offences. Part of the issue is that it is incredibly difficult to monitor when all this activity is occurring behind closed doors and underground, and it is an illegal activity. I will be very pleased to support that piece of legislation when it comes here and very pleased to determine the support of the rest of the house in relation to that most important legislation.

RIVERLAND IRRIGATION BLOCKS

The Hon. J.S. LEE (15:07): I seek leave to make a brief explanation before asking the Minister for Agriculture, Food and Fisheries a question about Riverland properties.

Leave granted.

The Hon. J.S. LEE: In recent times, many properties in the Riverland have been abandoned due to the small block irrigators exit program and there is now real concern about abandoned blocks and the threats that they pose, including the harbouring of a potential fruit fly outbreak, bushfire hazards and the spread of other pests and diseases. My questions to the minister are:

1. How many abandoned horticultural properties are there in the Riverland?

2. Who is responsible for these properties?

3. What is the government's plan for mitigating the associated risk of abandoned properties?

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 questions. Indeed, the issue the honourable member refers to is most important and it has been one of those areas that has developed out of the very severe drought conditions we had for a decade and the particular adversity experienced by the Riverland, which is a high user of the River Murray and did it particularly tough.

It is a consequence of federal policies that were put in place to assist producers whose businesses were unsustainable and who had nowhere to go. They were pretty much destitute at the time and they were offered these packages to assist them to move out of the industry, and it was also an attempt to reduce reliance on water. People voluntarily took up these packages, and part of the conditions around that was that the properties had to be cleared so they would not be derelict. That was No. 1. If there were vines or trees, my understanding is that they had to be removed and the properties left clean. One of the conditions was that they were not allowed to be re-used for that particular primary producing purpose within a particular period of time and, as I recall, it was five years.

We now see the consequence of that. There were a number of properties where these farmers voluntarily chose to take these packages and use that as an opportunity. Basically their businesses were unsustainable in the long term and the federal government offered them this assistance and they took it. In that respect, it really saved a number of families, and the wellbeing of a number of families, at that time.

There are a number of measures that the federal government has since put in place to progress that. There is a $265 million commitment by the federal government for a water recovery and industry regeneration project in South Australian River Murray communities. That funding package is for the Water Industry Alliance, the South Australian River Murray Improvements Program, which aims to return 40 gigalitres of water to the environment and provide opportunities for regional development and the reconfiguration and renewal of the South Australian River Murray irrigation system.

The $265 million that was announced comprises $180 million from the commonwealth's Sustainable Rural Water Use and Infrastructure Program, all of which I understand will be put towards the Water Industry Alliance program, and $85 million from the South Australian industry futures fund to be established for research, regional development and industry development in South Australia. I am advised that $60 million of the $85 million will be put to the Water Industry Alliance program in 2025 towards regional development research programs. I am advised that that $265 million in funding will be made available over six years starting in 2013-14.

We see that the federal government did a great deal at the time of the drought to assist primary producers to move out of unsustainable businesses, particularly primary producing business practices, and has put in place a series of measures to help boost the productivity and activity of the region—and also to put water back into the river.

PREMIER'S COUNCIL FOR WOMEN

The Hon. R.P. WORTLEY (15:13): I seek leave to make a brief explanation before asking the Minister for the Status of Women a question about the Premier's Council for Women.

Leave granted.

The Hon. R.P. WORTLEY: The Premier's Council for Women provides leadership and advice to ensure that the interests of women are at the forefront of government policies and strategies. My question is: can the minister advise the chamber about how the government has worked with the Premier's Council for Women to deliver a better society for South Australians?

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for the Status of Women, Minister for State/Local Government Relations) (15:14): I thank the honourable member for his very good question. It is good to have questions of high calibre in this chamber because we do not see it from

the opposition very often. As honourable members would know, the Premier's Council for Women was established by the Labor government and is an independent advisory board that advocates for equity for women in all spheres of our society. Guided by co-chairs Kate Gould and the National Centre for Excellence chair Professor Anne Edwards, the PCW has, since its inception, become one of the government's key advisory boards.

The Premier's women's council was an active participant in the review of South Australia's Strategic Plan (SASP). The council has membership on the Strategic Plan's audit committee and Community Engagement Board, and continues to maintain a focus on women and gender differentiation with respect to the SASP. Additionally, after Premier Jay Weatherill's announcement of the government's seven strategic priorities, the council has examined linkages between the council's key priorities and the government's strategic priorities.

As the chamber would be aware, one of the Jay Weatherill government's priorities is recognising the benefits of the mining boom for all. Increasing access pathways for women to enter industries that are non-traditional employers of women, such as the mining and energy industries, and supporting the women currently employed in those industries, is a major way in which this priority can be realised. The Jay Weatherill government has been a champion of this cause, and has supported this most important initiative through programs such as the South Australian STEM Skills Strategy, which aims to increase participation in science, technology, engineering and maths subjects in school, vocational education and training, and higher education.

We know that girls and women are currently generally better educated than men, with more girls finishing year 12 and, I understand, more women completing basic degrees. Although there are gender differences across the various degrees, overall women in South Australia are very highly educated. So when we see potential skills shortages looming in areas that are non-traditional for women, it is a sensible thing to do; one of the ready resources available are well-educated women, and therefore initiatives to encourage women into these non-traditional areas, particularly science and maths areas is, as I said, a very sensible thing to do.

As well as aiming to increase participation in science, technology, engineering and maths subjects in schools, vocational education and training and higher education, the Weatherill government also provides funding to organisations such as Dairy SA and the Ag Excellence Alliance, which both received $50,000 from PIRSA to fund projects that support the further development of women's leadership capabilities. Most recently it announced scholarships through the Australian Institute of Company Directors for 25 women to receive governance and leadership training.

As you would recall, Mr President, the government is also pleased to be able to support initiatives undertaken by external groups that work to advance gender equity in our community. It was with great pleasure that Premier Jay Weatherill and I were able to support the latest work undertaken by the Premier's Council for Women, in partnership with local industry and the Office for Women, 'Words into Action: a practical guide to achieve gender equity in the workplace and improve your company's performance'.

This guide aims to highlight best practice for South Australian businesses in recruiting, retaining and promoting women in organisations to an executive level. It aims to focus on industries of non-traditional employment for women, and I am advised that the council consulted extensively with DMITRE and across industry sectors to ensure that the document is relevant to current business practices.

The guide will be launched by the co-chair of the council, Kate Gould, at the CEDA Women in Leadership event in Adelaide on Friday 17 May. The guide is an important step in implementing real change for gender equity in the professional sphere and is another example of the continuous work the Jay Weatherill government has undertaken to ensure that opportunities to participate in our state's growth are available equally to all South Australians.

SUPPLY BILL 2013

Adjourned debate on second reading.

(Continued from 2 May 2013.)

The Hon. D.W. RIDGWAY (Leader of the Opposition) (15:20): I rise to make some opening comments in relation to the Supply Bill 2013. As members would know, the Supply Bill allows the government to pay its bills and operate until the Appropriation Bill is passed with the budget. It is three weeks today, I think, when we will see the budget, and I am sure that will be a

very black day for South Australia, but we will leave comments about the budget until it is presented.

As I have said, this bill is about supply. It is about providing the financial resources for the government to keep paying the bills—and let's hope that it does pay its bills to small business on time; this government has a track record of using small business as a bank and not paying their bills on time—and also paying the wages of public servants. On this side of the chamber, we are going to vote for this bill, but that does not mean that we necessarily support it any more than we support the government, whose bill this is.

Most South Australians have lost confidence in the state Labor government not, as some might believe, because of party politics; it is because, whether you support Liberal or Labor, you have to look at the economy through unbiased eyes. The picture is plain: South Australians pay more in taxes than anyone else in the country. In other words, if you moved interstate anywhere, to any state, you would pay less. We have not only the highest taxing state government but also the worst state services, and the state debt continues to grow.

The governing party is doing just what it did last year and the year before, that is, racking up ever-increasing bills while raking in ever more in taxes. Robin Hood stole from the rich to give to the poor. Robbing Jay steals from the rich and the poor, and who does he give the money to? The banks, the richest of the richest, in interest payments.

South Australia's budget deficit is bigger than New South Wales, Tasmania, Victoria and Western Australia combined. This government always talks about that it is all about a writedown in revenue—and we have seen its federal mates say the same in recent times—but, sadly, it is not about revenue; it is about not being able to contain their costs.

We have a massive state debt, and it will be some $14 billion at the time of the next election. When you add up the amount of interest we will be paying, it is $91,000 in interest every hour. The Speaker is up in the top gallery; it is very nice to see him paying some attention to the goings-on in the Legislative Council. Obviously, he is a little—

The ACTING PRESIDENT (Hon. J.S.L. Dawkins): It is out of order to refer to anybody in the gallery, the honourable leader.

The Hon. D.W. RIDGWAY: I couldn't resist, seeing his big smiley face coming through the door. I am sorry, Mr Acting President; I will take your advice.

The ACTING PRESIDENT (Hon. J.S.L. Dawkins): I think you should return to the Supply Bill.

The Hon. D.W. RIDGWAY: A debt of $14 billion, and that debt has been growing at $4 million a day. To try to put it in some context so that people can understand, I have measured a $1 coin, and it is 25 millimetres in diameter. If you laid four million of those side by side and made a line out of them, as often we do see on polling day, where there will be a gold coin donation for a charity or World Vision or something, that line would grow all the way from here to Murray Bridge every day; it would grow from here to Melbourne every week; and $14 billion would go 8½ times around the world. So, this government's problems are not about a drop in revenue; they are all about costs.

The Hon. K.J. Maher interjecting:

The ACTING PRESIDENT (Hon. J.S.L. Dawkins): The Hon. Mr Maher will get an opportunity to contribute to the debate.

The Hon. D.W. RIDGWAY: As I said, this government will be paying $91,000 interest every hour. Instead of providing services to South Australians and looking after our state, we will be paying more to the banks in interest every hour than a typical South Australian family earns every year. How is a typical South Australian family getting on these days? We pay the nation's highest taxes and some of the highest costs.

I want to touch on two areas of two ministers in this chamber, firstly, the Minister for Forests. I am just trying to explain to the chamber why they do not understand about costs and expenses. The minister recently announced the Forestry Advisory Council in the South-East. We had some questions about it last week and she very kindly provided us with the figure the chairman of the board is paid: some $250-odd for four hours, but a $50,000 retention and attraction allowance. We already have a board of ForestrySA that I know is paid quite well, yet this government has decided to establish another board. Surely it would make sense, if they were

prudent managers of the state's resources, to tweak the personnel on the board of ForestrySA to be able to provide the sort of expertise, if that is what is required.

I am not convinced that the Forestry Advisory Council has any greater expertise than the board of ForestrySA, but that is the sort of mentality we see in this government. It thinks it is sensible to go and spend another few hundred thousand dollars to resource a board—some of those people live interstate; all of their travel and accommodation costs will be paid by this government—when we already have a ForestrySA board. I think it is a glaring example of how the government has simply lost the plot, thinking it is easier to spend more money rather than actually spend the money efficiently and sensibly and get true value for every South Australian taxpayer's dollar.

The other issue I want to touch on—and the Minister for Water has sadly left the chamber—is the desalination plant. We have one that is double the size we need, which has been closed down at the moment so we do not need it at all. Members would know that it was the Liberal opposition that very early in the period—we started in about 2006—realised we needed a desalination plant. It was the Liberal opposition that said—with our very limited resources of staff; I think we are outnumbered 30 to one when it comes to ministerial advisers and ministerial staff—we needed a 45 to 50 gigalitre plant. All our research and evidence showed that for a city of about a million people, that would give us the sort of water security we needed and that was all that was needed.

The government said, 'No, we don't need it'; in fact, it even said it was too big. One of the comments from minister Hill, when he was minister for the environment, was that it was too big and we did not need a desalination plant. The government appointed a taskforce to look at it and decide on a location. You do not have to be a rocket scientist to know there are probably two locations: one is at Outer Harbor, perhaps near the Pelican Point Power Station because it is near an energy supply, and the other one, which is clearly where the opposition thought was the sensible place to put it, was at the old Mobil oil refinery at Port Stanvac. But, no, the government complained, said we did not know what we were talking about, said it was too big, appointed a taskforce and, two years later, announced it would be building a 50 gigalitre plant—the same as we had suggested to build—at Port Stanvac.

Then, of course, there was this bizarre decision to double it, and we have seen recently that there is no justification for the doubling of it; in fact, the commonwealth Auditor-General questioned all of the procedures around the decision to double the size of the desalination plant at massive cost to SA Water and the taxpayers. Of course, now our water prices are the most expensive in the nation.

In question time today I asked the minister a question regarding the supply of renewable energy to the desalination plant, because back then Premier Rann and then minister Weatherill and all of the cabinet thought they were just so clever that they had signed up to a power supply agreement that meant the desalination plant would be run on renewable energy.

Of course, we know that there are a whole range of contracts at the desalination plant that will be mothballed but there is a contract to supply electricity. I was very disappointed today when I asked the minister about that contract because in most of these cases there is an ongoing annual fee in these contracts. It depends on the amount of usage. If the thing is running at full capacity, obviously it will use a lot of electricity but, if it is not running at all, it will not use any, but there will be an annual fee to be paid.

The minister said he was unable to tell us today and that he would get an answer. Then the next answer he gave was that he had been fully briefed on all the costs of running the desalination plant. When I asked why he was unable to provide an answer, he was then smug and arrogant and said, 'I told you I would bring back a reply.' I am going to ask now in this supply speech that the minister bring back an answer on the annual cost of electricity supply to the desalination plant when the minister sums up the Supply Bill and all the comments.

Minister Hunter has already said today that he will bring me back an answer. The easiest thing to do now will be to bring it back when we sum up the Supply Bill before we pass it. It makes sense. He did not say he did not have an answer; he said he would bring back an answer, so it is clearly the sensible thing to do to bring it back in a timely fashion. I put that to the minister as a formal question during the Supply Bill: can you please bring back an answer to that question?

We have also in this country some of the worst business confidence and I think that as a state we have lost our way. Retail figures are slow, our export growth is slow, our economic

performance is some of the worst in the nation, and I think what is missing here is a revitalised government, one that can actually show leadership and lead the state to better times. South Australia deserves better than the Labor government we have now. We deserve results. As a matter of fact, we deserve a Liberal government.

The Hon. G.A. KANDELAARS (15:32): I rise to speak in support of the Supply Bill 2013. I take this opportunity to remind members of what the Weatherill government has been doing—

The Hon. R.I. Lucas: Jay Weatherill government.

The Hon. G.A. KANDELAARS: —in a number of—

The Hon. R.I. Lucas: Jay Weatherill Labor government.

The ACTING PRESIDENT (Hon. J.S.L. Dawkins): Order! The Hon. Mr Kandelaars has the call.

The Hon. G.A. KANDELAARS: Thank you, Mr Acting President. I remind members of what the Weatherill government has been doing in a number of key areas in health that are dependent in terms of this bill. Health is an important focus of the Weatherill government. When we think of health, we instantly think about our hospitals and those doctors and nurses who provide front line services to the sick and injured in our state, but to have a good health system we must also have a focus on preventative health initiatives that remove pressure on our public hospitals.

I will take some time to talk about the excellent health programs being delivered by SA Health that focus on our community's long-term health needs. Whilst there are many varied important initiatives being run across different areas in health, I would like to draw the council's attention to what is being done to address obesity, falls prevention, mental illness and emergency department waiting times.

On the issue of obesity, we all know that obesity is increasingly becoming problematic. It is for this reason that the state government released the Eat Well Be Active strategy in 2011 which looks at ways we can encourage people in our community to live healthier lives. Individuals can change what they eat or how much physical activity they do but it is easier to change behaviour and adopt healthy living habits when people around us value and support good health. The more supportive the physical and social environment, the easier it is to be healthy.

Our government's initiatives aimed at addressing the obesity epidemic include Community Foodies, a statewide program aimed at people in disadvantaged areas which uses volunteers to run community based events such as shopping and cooking skills and creating vegetable gardens. Following the McCann review, this program will run by a non-government organisation but it will continue to be funded by government. The Get Healthy telephone information and counselling service is a new service that will provide one-on-one counselling to adults wanting to change their behaviours to improve their general health, lose weight and reduce the risk of or manage chronic disease.

The government is currently negotiating with NSW Health to purchase this service and therefore align with the ACT, Tasmania and Queensland. This service will operate between the hours of 8am and 8pm for the cost of a local call anywhere in the state. SA Health also runs campaigns such as the Be Active 'Walk Yourself Happy', which promotes greater physical activity in people's daily lives, and the Swapper campaign, which encourages people to make small changes in their lives to improve their overall health and wellbeing.

On the issue of falls prevention, falls and falls-related injuries are a serious health issue and a leading cause of injury hospitalisation for older people. Members of this council will be aware of our new approach to aged care, which has an emphasis on allowing elderly people with low care requirements to stay in their homes rather than move into residential nursing home care, but one of the concerns that results from allowing greater independence of our elderly loved ones is that they are prone to falls and accidents in the home.

In 2012, it was estimated that 9,000 senior South Australians were admitted to our public hospitals due to falls and a further 9,000 presented and were treated in the emergency departments before being discharged home. To help address this issue, SA Health last month participated in April Falls Awareness Month. April Falls Awareness Month is part of a national and international campaign that educates and raises awareness of falls prevention to help those at risk of falling in their homes to stay on their feet.

This campaign incorporates key messages from the SA Health Falls Prevention Program, which aims to reduce the frequency and severity of falls-related injuries amongst our elderly people. As part of falls awareness month, SA Health announced a new program which will screen elderly patients who present at emergency departments to determine the likelihood of falling again. I understand that people are likely to re-injure themselves through falls in the weeks following the initial injury, so this service will help by referring those who are deemed to be at risk of re-injury to falls prevention services in their local community.

The services can not only provide advice on ways to remove obstacles and potential hazards in the home but also help participants to improve their physical strength and balance so that they can avoid falls and severe injuries in the future. This program was trialled at the Flinders Medical Centre, where the number of repeat falls was reduced by 78 per cent. The program is now underway at Noarlunga Hospital and will soon commence at the Royal Adelaide Hospital, before being rolled out to other South Australian public hospitals.

On the issue of mental illness, a staggering one in five South Australians suffer anxiety or depression, and as a community we need to do more to support people we know who have mental illness. Often one of the greatest hurdles for people facing mental illness is the stigma surrounding it. Whilst attitudes are slowly changing for people suffering from mental illness, the lack of understanding about their condition often makes them feel isolated. The stereotypes and stigma about mental illness often create extra burdens for people who are trying to recover. The more hidden mental illness remains, the more people continue to believe that it is shameful and needs to be concealed.

SA Health's Rethink Mental Illness is a great initiative, which not only runs on an advertising campaign that role-plays real life scenarios but also has a website containing information and advice for people who have families, friends and work colleagues who suffer from mental illness. All people in our health system deserve the same support and respect, whether they are in our system for physical or mental illness. This campaign has been effective in helping South Australians think about how their attitudes affect others, and how positive change can improve other people's lives.

On the issue of our emergency departments: as winter approaches we have already started to see an increase in the number of friends, family and work colleagues struck down by a cold or flu. During the colder months our public hospitals see an increase in patient numbers as more people turn to emergency treatment for their minor ailments. This puts increased pressure on doctors, nurses and allied health professionals who find themselves under increasing pressure to see patients who are not suffering from a medical emergency.

SA Health's Emergency Departments are for Emergencies campaign is straightforward and effective in its message, urging people with common cold and flu symptoms to attend their GP rather than presenting to the closest emergency department. SA Health also provides support and promotes Healthdirect Australia, a 24-hour telephone health advice line staffed by nurses to provide expert health advice and information, and now also includes an after-hours GP helpline that can provide medical advice when GP services generally are not available, such as at nights, weekends and public holidays. These services provide support and advice to people who are unsure whether their illness or symptoms warrant a visit to an emergency department.

The state government has invested $111 million over four years into our public health emergency departments to ensure that all people who are critically ill or injured can receive the very best care. This has been a sound investment, with the most recent report from the Australian Institute of Health and Welfare ranking South Australia's public hospital emergency departments No. 1, with the shortest median waiting time of 15 minutes, that is, 75 per cent of patients seen within the recommended triage time, and 90 per cent of patients being seen within 90 minutes, almost half a hour less than the national average. Through the hard work of medical staff, as well as campaigns such as Emergency Departments are for Emergencies, and the promotion of Healthdirect Australia, this removes the added pressure on non-emergency illnesses from our public hospital emergency departments.

In conclusion, public health is an important priority of the Weatherill government, and the initiatives about which I have spoken in some ways help to provide greater levels of hospital and non-hospital-based health care. We cannot rely on a cure-based public hospital health system, but we must also find ways to prevent people from falling ill and needing to attend hospital to start with.

The initiatives I have spoken about today, that is tackling obesity, dealing with elderly falls and mental illness and reducing the number of non-critical patients going to our emergency departments, all pave the way for a healthier community and an efficient health system. There are obviously many other great initiatives that help create better community health, such as the Quit Smoking campaigns and resources, responsible drinking campaigns, immunisation programs, and the list goes on. They all serve as important reminders to us of the importance of looking after our health and wellbeing.

We have a strong public health system here in South Australia and I would like to finish by commending all of our doctors, nurses and allied health professionals who dedicate their lives to the health and wellbeing of our community. I commend this bill to the council. It will ensure the ongoing operation of government whilst the Appropriation Bill 2013-14 is dealt with by this parliament.

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

ELECTORAL (MISCELLANEOUS) AMENDMENT BILL

In committee.

Clauses 1 to 3 passed.

Clause 4.

The Hon. M. PARNELL: I make the point that there was a set [Parnell-1] which has now been replaced with [Parnell-2], so we can disregard the first set. I move:

Page 3, after line 10—After the present contents of clause 4 (now designated as subclause (1)) insert:

(2) Section 4(1), definition of *how-to-vote card*—delete ', in the form of a ballot paper,'

I would like to treat this as a test amendment for a number of others I have before the committee. This deals with the issue of what is called Robson rotation.

Robson rotation is a system whereby there are as many different forms of ballot paper produced as there are candidates. For example, if there are four candidates, then there are four ballot papers prepared so that each of the four candidates has an equal turn at the top. The purpose of Robson rotation is to do away with the donkey vote. In other words, no candidate is benefitted by being on the top of the paper because they will only be on the top of the paper in equal proportions to every other candidate.

As I say, if there are four candidates contesting a House of Assembly electorate, there will be four ballot papers, each candidate will be on the top of one of them, the ballot papers will be distributed to voters in equal proportion, and it effectively does away with the donkey vote and the reverse donkey vote. I outlined this in my second reading contribution, and I think members pretty well understand how it works. I have moved this amendment, and I will be treating it as a test for some of the other amendments I have on file.

The ACTING CHAIR (Hon. J.S.L. Dawkins): This is amendment No. 1 [AgriFoodFish-1]. Is that the one?

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

Page 3, after line 10—

After the present contents of clause 4 (now to be designated as subclause (1)) insert:

(2) Section 4(1), definition of *how-to-vote card*—delete 'a particular candidate or group of candidates suggests that'

The advice I have received is that it is quite a simple technical issue to address a drafting issue.

The ACTING CHAIR (Hon. J.S.L. Dawkins): My advice is that we will deal with the amendments in the name of the Hon. Mr Parnell and the minister now, and then we will proceed to the amendment in the name of the Hon. Mr Wade.

The Hon. S.G. WADE: I was hoping to speak to Mr Parnell's amendment.

The ACTING CHAIR (Hon. J.S.L. Dawkins): Very good. I call the Hon. Mr Wade.

The Hon. S.G. WADE: The opposition understands that this amendment is the first in a series of three amendments by the Hon. Mark Parnell seeking to introduce Robson rotation. We

agree with the honourable member's suggestion that it be regarded as a test amendment for subsequent amendments.

Robson rotation has been used in Tasmania since 1979 and in the Australian Capital Territory since 1995 and has previously been proposed in this place by the former Democrat MLC David Winderlich and debated during the last round of changes to the Electoral Act prior to the 2010 state election.

Robson rotation, as the member has highlighted, refers to a system of ballot production whereby the order of candidates on ballot papers is rotated so that as far as possible each candidate is listed in each position on the ballot paper the same number of times, and ballot papers bearing each ballot order are randomly distributed to voters.

Robson rotation aims to remove any advantage or disadvantage that a candidate may gain through the ballot paper order. In particular, rotation of the order aims to nullify the practice amongst some electors of numbering their ballot paper in the order in which the candidates appear on the ballot paper, rather than numbering them according to their conscience preferences. This is commonly known as 'donkey voting'. Of course, a voter's preferences may coincide with the ballot's order.

Donkey voting can reflect disinterest or protest voting, and such a vote could use a range of other strategies. They could vote in reverse ballot order, numbering from the bottom up; they could allocate their preferences randomly; they could leave their ballot paper blank. In my view, as an observer of elections for three or four decades, I believe an increasing number of people are choosing to just leave their ballot paper blank.

The mischief with a donkey vote, though, is that if there is a recurring pattern of donkey votes, such as down-the-ballot votes, these votes will overstate the real level of support for prospective candidates. Robson rotation is a response to the donkey vote, but only addresses down-the-ballot or up-the-ballot donkey votes.

It is difficult to assess how many donkey votes are cast and to what extent they influence election results. I suspect that most disinterested and protest voters leave their ballots blank. One thing is clear; having Robson rotation makes it impractical to provide how-to-vote cards to electors, as having a different order of candidates on ballot papers to those shown on how-to-vote cards distributed outside the booth could confuse voters. In our view the detriment of Robson rotation is clear: the benefit is not.

Other impacts of the amendment would be an increased cost to the Electoral Commission and an increased level of scrutiny that would be required for the counting of ballot papers. In addition, some of the amendments to this bill that the opposition has filed rely on this definition of how-to-vote card being maintained in the act, so to remove it would undermine our upcoming proposals in relation to how-to-vote cards. For these reasons the Liberal opposition opposes the amendment and those that are consequent upon it.

The Hon. G.E. GAGO: The government opposes this amendment. We are also happy to use this as a test clause for a series of the Hon. Mark Parnell's amendments. The effect of this rotation method has been well explained in this chamber, so I do not need to go through it again.

In the 2010 election in Victoria, the Victorian Electoral Commission counted donkey votes as part of its survey of ballot papers. In the districts surveyed, the median donkey vote was 1 per cent of the total formal vote. In South Australia, a donkey vote analysis was not included in the analysis of ballot papers undertaken following the 2010 election as there was data on the level of donkey votes from previous elections indicating that the extent of donkey votes was extremely low. In many cases, for those districts with higher levels of donkey votes, it was determined that this likely reflected that the order of candidates on the ballot paper was such that many electors could have been expected to have preferred the candidates in that order.

Implementing a Robson rotation method of printing ballot papers would have significant implications on the use of how-to-vote cards in South Australia and, importantly, considerable resource implications. The need for more resources would come at considerable cost, and election results would likely be delayed. It is clear from the statistics available that the benefit of such a change would be negligible, and it is for those reasons that the government opposes this amendment.

The Hon. B.V. FINNIGAN: I oppose the Hon. Mr Parnell's amendments, and I oppose introduction of Robson rotation for similar reasons as have been outlined by the government and

the opposition. It is easy to suggest that it is obviously in the interests of Labor and Liberal to oppose Robson rotation because they are the ones most likely to stock the booths with how-to-vote cards, but I think it is important that minor parties and Independents have that opportunity to distribute how-to-vote cards. That may be on the day, it may be through the mail or, increasingly, online, but I think it is very important that they have that opportunity, to make it easy for people who want to support them to vote for them as well.

I do not think the introduction of Robson rotation, while undoubtedly fairer than the current system, is warranted. I think the donkey vote is greatly over-inflated as a potential benefit. I have certainly watched draws many times, avidly waiting to see whether you have the candidate above the main opposition candidate, but ultimately I am not confident that it has been a decisive factor in any race I have been aware of or involved in. I do not consider that it is necessary.

In time, when we end up with electronic voting, which I think we inevitably will sometime in the future, I suspect this issue will come into its own because there will be the interactive ability for people to know that they have cast a valid vote before they lock it in, so to speak; whereas I think that it is too much of a risk that people will be disenfranchised because, without the benefit of how-to-vote cards, they may not be confident of filling in a formal vote, although most people are.

I think most people in this place would have had the same experience as I have had. In the period I have been involved in politics, I think the number of people taking how-to-vote cards decreases at every election. Partly that is the fault of the Liberal and Labor parties because they have so overdone the presence at the booths that I think people have become much more keen just to rifle through without taking any how-to-vote cards.

I suspect that, in time, how-to-vote cards will become irrelevant, but I do not think that time is now, and I would be concerned that people not having that information to hand will make it more likely that they will inadvertently make an informal vote. I do think that people who wish to make no vote generally just leave the ballot paper blank or leave a friendly message. I oppose this amendment.

The Hon. M. Parnell's amendment negatived.

The ACTING CHAIR (Hon. J.S.L. Dawkins): I now put the question that new subclause (2) as proposed to be inserted by the Minister for Agriculture, Food and Fisheries be so inserted.

The Hon. S.G. WADE: On a procedural issue, if this is an alternative to the Wade amendment, if this amendment gets up, it is still—

The ACTING CHAIR (Hon. J.S.L. Dawkins): No.

The Hon. S.G. WADE: It does not preclude a subsequent amendment?

The ACTING CHAIR (Hon. J.S.L. Dawkins): My advice is that it could be an alternative to yours, so we will ask you to move your amendment.

The Hon. S.G. WADE: Thank you, Mr Acting Chair. The Robson rotation issue is quite different from the Liberal how-to-vote card regime but, unfortunately, because they cohabit in the definition clause, we have brought them up now. Hopefully, I can provide some clarity for members.

Because of a late amendment to try to facilitate split tickets being accepted as how-to-vote cards within the opposition's proposed regime, it was suggested by the table that we incorporate them. So, Wade sets 2, 3 and 4 are now all incorporated in [Wade-5]. I will be asking members to refer to [Wade-1] and [Wade-5]. I apologise for any confusion, but the table thought that would help proceedings. It has been confirmed by the table that this would be an appropriate point for me to address what I call the opposition alternative how-to-vote card regime. If honourable members would care to treat this as a test clause for what was originally [Wade-3] 1 and what I will actually be moving is [Wade-5] 1. I move:

Page 3, after line 10—

After the present contents of clause 4 (now to be designated as subclause (1)) insert:

(2) Section 4(1), definition of *how-to-vote* card—delete the definition and substitute:

how-to-vote card means a card, in the form of a ballot paper, indicating the manner in which a vote should be recorded by a voter, and includes a split how-to-vote card (within the meaning of section 66A);

This amendment is the first part of the Liberal opposition's how-to-vote card amendments and, as such, I indicate that we will be seeking this to be treated as a test amendment.

This amendment is an extension of the proposal I have discussed with members to introduce a registration process for how-to-vote cards consistent with the select committee recommendations. This amendment and its consequential amendments accommodate the well-worn practice of using a split ticket on election day. It also allows the split tickets to be submitted to the commissioner for display in polling booths. I would now like to outline the Liberal proposal and how we believe it addresses the mischief.

At the last election, the Labor Party used dodgy how-to-vote cards in four electorates. The cards used the light blue colours traditionally used by Family First and included the phrase, Put Your Family First. The cards identified the respective Family First candidate as first preference, with an arrow and the words 'Start voting here'. They suggested a preference flow placing the ALP candidate above the Liberal candidate.

The Family First Party's authorised how-to-vote cards in those particular electorates recommended that their supporters place the Family First candidate first with preferences to the Liberal candidate before the Labor candidate. The dodgy cards were organised by the ALP State Secretary and accepted by each of the ALP candidates. To her credit, the member for Bright chose not to allow such a card to be used in her electorate. The community was rightly outraged. This council established a select committee to inquire into the use of bogus how-to-vote cards.

Clearly, the Electoral Act, as it stands, needs reform. The fact that the government has tabled this bill is acknowledgment that the Labor Party now accepts that reform is needed. All jurisdictions in Australia have legislation in place which regulates how-to-vote cards. Queensland, New South Wales and Victoria have systems requiring pre-registration of how-to-vote cards, and that is what is proposed in these amendments. They are most similar, if you like, to the Victorian legislation, where the handing out of printed electoral material, except for registered how-to-vote cards, is banned within 400 metres of the entrance to, or within, a polling booth on polling day.

Across jurisdictions, there is a clear trend to deal with the matter of misleading how-to-vote cards through regulation, rather than by introducing a blanket ban on their distribution. The select committee on matters related to the 2010 election, which was established by this council, recommended at recommendation 3 that the Electoral Act be amended so that only how-to-vote cards or second preference how-to-vote cards which had been lodged with the Electoral Commission at least seven days before election day are allowed to be distributed in the vicinity of a polling place on polling day.

The government bill proposed registration, but it would only allow registration, what in our view far too late, that is, two days before polling, and it does not require public disclosure. The opposition amendments on the other hand reflect the committee's recommendations and the practice interstate and use a one-week time frame with public disclosure. In so doing, the amendments propose to introduce one of the most transparent, and I believe one of the most likely to be successful, how-to-vote card regimes in Australia.

Labor was able to get away with its deceit at the last election for two main reasons. Firstly, because our electoral laws allow parties and groups to hand out cards which allow a party to advocate a vote for another party first. The average voter would be surprised to know that Labor Party members were advocating a vote for Family First. In fact, I doubt that they would concede that any party showed people how to vote for another party when their own candidate was in competition with the candidate preferenced first on that card. Our amendments seek to ban that practice. Proposed section 66A(5)(d)(i) of my amendment says that a candidate or someone on their behalf can only register a card that has them at number one on the card. Our amendments propose that only cards which are registered with the commissioner at least eight days from election day can be distributed.

Secondly, Labor was able to get away with its deceit because our existing electoral laws did not prevent a party creating dodgy how-to-vote cards that took the language and look of another party's card. The Put Your Family First cards were deliberately created to look and read like Family First how-to-vote cards. My amendments maintain the government's substantially similar provisions to require all cards registered to have a similar appearance. That means that if a party wants to take on the branding of another party, it would have to do so across all the how-to-vote cards registered with the Electoral Commission and they would need to do so publicly and well ahead of polling day.

The Liberal proposal is clear and consistent. The government's how-to-vote card proposal, on the other hand, is full of loopholes. Under the government's proposal, the Electoral Commissioner is not required to publicly disclose how-to-vote cards submitted in advance of election day. If a dodgy how-to-vote card was lodged, it is possible no-one would know until election day which provides no improvement on the current system at all. The limited time frame may be exacerbated by the media blackout imposed from 6pm on the Wednesday before polling day under the Broadcasting Services Act of the commonwealth. If a dodgy card was lodged during this time, another party would not be able to use paid advertising to expose that fact.

A party or candidate, which chose not to register a voting compartment how-to-vote card under section 66, could under the government's proposal lodge a number of different booth how-to-vote cards which may not bear any resemblance to each other. A party could legally register both a standard how-to-vote card and a dodgy design in amongst a mass of cards, and this would only need to occur two days before election day. On this point it is worth noting that the Greens did not lodge a section 66 card for two-thirds of House of Assembly districts at the 2010 election. By noting that I do not intend to imply that the Greens had engaged in any misleading behaviour but I simply raise that to demonstrate that it is a real possibility that no card was lodged under section 66.

For all of these reasons, the how-to-vote card registration regime proposed by the government is largely tokenistic. It would not prevent a repeat of the 2010 dodgy how-to-vote card scenario. Members would remember that in 2010 the government also introduced a bill that allegedly sought to deal with the issue of dodgy how-to-vote cards. That bill was found lacking by a select committee of this place and again would have allowed a repeat of 2010. So, in my view and that of the opposition, the government is either incompetent or was unable to develop legislation to deal with an identified problem or, alternatively, was completely unwilling to introduce legislation that effectively outlawed dodgy practices. Unfortunately, both possibilities are highly credible.

Our amendments also introduce a series of new measures to increase transparency. Our amendments provide for public disclosure of registered how-to-vote cards by the Electoral Commissioner on a website as soon as reasonably practicable after receipt and in any case not later than 5pm on the eighth day before election day. Section 66A(2) requires political parties to provide the copy in electronic format to expedite this process.

Our amendments maintain consistency between voting tickets lodged under section 63, polling booth cards lodged under section 66 and the how-to-vote cards registered with the commission before election day. This will ensure that a party's preferences are transparent and not subject to last minute deception. This amendment reflects recommendation two of the select committee report. Our amendments also allow a maximum of one how-to-vote card per candidate for use on election day. This would prevent the mystery of potentially dozens of cards being distributed by each candidate to obscure which card will be distributed on the day. Restricting candidates to one registered card also minimises the administrative burden on the Electoral Commissioner to register them.

Our amendments provide a flexibility to accommodate the practice of all using open tickets, both in polling booths on election day, provided that they are accompanied by a statement that the elector must express a preference for all other candidates as the elector sees fit. This was incorporated in our amendments following discussions with the Greens. Our amendments to section 126 are consequential to this, as our understanding and the advice that we have received is the practice of using open tickets at present could be seen as a technical breach of the act. The section 126 amendment makes an exception for these cards.

Our amendments provide powers for the presiding officer of a polling booth to compel a person distributing a how-to-vote card to produce it for inspection and to hand over any cards they have not registered with the commissioner. Our amendments allow decisions made by the Electoral Commissioner regarding registration of a how-to-vote card to be reviewed.

The combined result of this is a robust regime, a regime that will effectively prohibit dodgy how-to-vote card practices, unlike the government's proposal. It enshrines transparency and integrity around legitimate how-to-vote cards. Elections are all about voters; they are not about political parties, not about election tactics or trickery; they should be about democratic choice. I welcome the opportunity to discuss these changes with a number of members and I hope that members see them as an appropriate balance that enhances democratic choice and protects the integrity of the process. I commend the amendments to the council.

The ACTING CHAIR (Hon. J.S.L. Dawkins): I did give the honourable member a fair bit of latitude, because it is a very complex bill. I appreciate that and I am prepared to do that with other members. It was a lengthy contribution, but it was appropriate. I am just indicating that I think with a complex bill like this and the complex nature of these matters that latitude is appropriate. I call the minister.

The Hon. G.E. GAGO: Firstly, I have a question. Has the Hon. Stephen Wade sought advice whether this amendment may tend to impair the freedom of political communication provided for under the South Australian constitution?

The Hon. S.G. WADE: There is no provision for the freedom of communication under the South Australian constitution.

The Hon. G.E. GAGO: It is an implied provision.

The Hon. S.G. WADE: Perhaps I could educate the minister. That implied right is actually under the commonwealth constitution, not the South Australian constitution. All I could say is that Queensland, New South Wales and Victoria all have preregistration of how-to-vote cards. Our provisions are extremely similar to those in Victoria. I am not aware of any challenge to the Victorian provisions under that implied right. In fact, I would think that these provisions would be very likely to receive a lot of favour from the High Court.

Let us remember the High Court's consideration of that implied right in the context of the Corneloup case. In relation to the Corneloup case, the High Court said that you need a structure for freedoms. You need a structure for the freedom of association, freedom of movement and freedom of speech. What this bill provides is a significant protection of the democratic rights of freedom of communication, because it provides transparency. It does not stop you saying anything you like; you just have to do it in an orderly, timely manner. If this government wants to throw up furphies about the constitution to avoid what the community expects, so be it.

The Hon. G.E. GAGO: I have been advised that the systems that the other jurisdictions have in place are somewhat different from what is being proposed by the Hon. Stephen Wade, and my question is quite straightforward: has he sought advice or not?

The Hon. S.G. WADE: The answer is no, and perhaps I could go on to educate the minister even further. The Hon. Bernard Finnigan, the Hon. Dennis Hood, the Hon. John Darley, the Hon. Russell Wortley and I (I hope I have not missed anybody; I am sure there are a couple more members) were all members of the select committee that made that recommendation. That recommendation, as I understand it, has not been rebutted by the government in recent times. Let us be frank: whether or not it is the Liberal proposal of eight days declaration before or the Labor Party proposal for two days before, it is still an orderly structure for political communication, and if my amendment is in jeopardy, so is yours.

The Hon. G.E. GAGO: The government opposes these amendments, and in relation to the Hon. Mr Wade's last comment that, if his amendments are out of line then so too are ours, I am happy to take some time explaining why that is not so. To speak generally about this amendment first, the government's bill seeks to regulate the use of how-to-vote cards (and so does this amendment). However, unlike the government, the opposition proposes to directly interfere with a party, candidate and campaigner's ability to alter the preferences they wish to advocate during the election period, in addition to prohibiting the use of second preference how-to-vote cards.

Under the proposed amendment, a participant cannot register multiple how-to-vote cards. Parties and candidates may submit a how-to-vote card under section 66A that differs slightly from the how-to-vote submitted under section 66. However, section 66A(5)(d) requires that the second how-to-vote (and there are three aspects to it), first, be of substantially the same appearance; secondly, indicate a first preference for the relevant candidate (section 66A(5)(d)(i)); and, thirdly, follow the preferences on the or one of the registered voting tickets lodged under section 63.

The interpretive provision, substantially the same appearance, has been directly taken from the government's bill. However, the provision relating to preference order has been removed. Accordingly, the effect of section 66A(5)(d) clearly prohibits any change of preferences in addition to the prohibition on the use of second preference how-to-votes.

The proposed amendment imposes a significant impediment upon communications between candidates, campaigners and electors, enforcing adherence to preferences lodged on a ticket weeks prior to polling day. To hold a person to decisions formed weeks prior to polling day unreasonably stifles the capacity of political participants to respond flexibly to possible new

developments during the course of an election campaign. We know that things do shift and move very quickly in campaigns, or can do.

The opposition has misunderstood the real mischief behind the use of second preference how-to-votes, and in doing so created a registration regime that is overly prescriptive and prohibitive. This will prove to be significantly more burdensome on parties, candidates and campaigners and will undoubtedly have resource implications for the commissioner.

In addition to the unworkability of this arrangement, it is the government's view that the amendments pose a significant risk of impairing the freedom of political communication provided for under the South Australian constitution, and we believe it is open to be legally challenged and likely to be so. For these reasons, the government opposes this series of amendments, for which this is the test provision.

The Hon. B.V. FINNIGAN: As you have indicated, sir, there are quite a number of amendments that deal with this matter of how-to-vote cards, so I might make some general remarks about those. The Hon. Mr Wade said that his amendments would introduce a robust regime. I would suggest that it is a restrictive regime that is quite antithetical to democracy. I have serious misgivings about the government's amendments—I consider that they go far enough. I cannot see how the notion that we would have an electoral commissioner sitting around with a Pantone colour chart, measuring fonts and making sure that all these how-to-vote cards are how they are supposed to be, and that no-one is trying to copy each other, can possibly end in anything other than restrictions on freedom of expression and freedom of political action.

We know that Labor, Liberal and Family First all use red, white and blue—colours on the Australian flag, colours used in virtually every Liberal democracy in the world—so the idea that we could somehow patent a particular look is quite impossible, or certainly not feasible.

That is not to say that people should be able to have fake how-to-vote cards. What is certainly wrong—and no-one is questioning this—is for anyone to distribute a how-to-vote card purporting to be from another party which is not. If someone were to do up a mock Liberal Party or Labor Party, or any other party, how-to-vote card which was not, in fact, theirs and then distribute it—and this has been known to happen—that certainly would be wrong and is already prohibited.

What we have here is the issue that arose in 2010. I dispute the notion that that was some great fraud perpetrated on the South Australian people. I think there is no doubt the Labor Party went too far in using the T-shirts and using the words, Put your Family First, but the how-to-vote cards also said, in big letters, 'Preference Labor', they were also authorised by the Labor Party, so they were not representing themselves as Family First how-to-vote cards. You can argue that they were, and I understand that that is a valid argument but, certainly, in the select committee process not a single person was produced who said, 'I followed that how-to-vote card because I thought it was from Family First.' It is clear from the evidence that there was no material effect on the outcome in any of those seats.

I think it is broadly agreed, including by the Labor Party, or by its former leader, that there was a bridge too far on that occasion, but I think it would be a grave overreaction to come to a point where we are regulating and prescribing in the most minute detail what sort of material can be distributed in elections and on election day. In my view, it is not illegitimate or dishonest to advocate a vote for someone other than your preferred candidate for the purpose of attracting preferences from those voters. I would be amazed if certainly the Liberal and Labor members have not been involved in that process on many occasions.

It is perfectly legitimate to say to someone, 'If you are voting Greens or Family First or for an Independent, we want your second preference because we think our party more aligns with the principles that your party is about. While you are quite entitled, of course, to vote for that other party, we want your preferences because we think we are more in line with the principles that you support than is the opposing major party.' That is a perfectly legitimate thing to do and I think it would be a crying shame if we got to a point where people are forbidden to hand out on election day material which basically says, 'You are going to vote Greens or Family First, or some other minor party or independent, we want your preference.'

I think that is a perfectly legitimate thing to do, provided that that how-to-vote card does not represent itself as coming from or being authorised by the other party. To try to react to what happened in the 2010 election with an incredibly prescriptive regime I think is antithetical to freedom of political expression.

I would be particularly concerned that for minor parties and Independents it would place a very onerous burden on them. I would be appalled if an Independent candidate for parliament, who had gone to the trouble of getting themselves on the ballot paper—which is no mean feat in itself, as we know—found themselves wrapped over the knuckles by a polling officer and told that they or their supporters cannot hand out how-to-vote cards any more because they did not fit the prescribed regulations or they were not lodged in time. I think that would be a real restriction on the ability of people to put themselves forward for political office if that is what they choose to do.

I oppose the Hon. Mr Wade's amendments. I am certainly not that comfortable with the government's provisions, either, because I think we are overreacting and overcorrecting by trying to set up a regime where you could have the most arcane arguments about literally getting down to fonts and colours and what people have lodged or what people have handed out. Provided that people are not misrepresenting their material as being authorised by or belonging to another candidate, I do not consider that it is wrong in principle to advocate a vote for another candidate other than the candidate that you actually prefer on the basis of trying to attract preferences, on the basis of saying to their voters, 'We are more in line with your philosophy than the other major party so we think you should preference our candidate.'

I do not consider that is wrong and I do not consider that is dishonest. I think it would be most unfortunate if we got to a point where we were putting genuine restrictions on freedom of political expression and action. If someone wants to turn up to a polling booth and say, 'Well, my guy really supports'—whatever it might be, euthanasia, or opposes duck shooting, or opposes raw milk syndicates, or whatever it is—'and I think you should vote for that person.' Again, provided they are not misrepresenting that person's position that sort of thing ought to be legitimate.

I am really concerned that we are putting harsh restrictions on the operation of a proper democracy by going down this track of over-regulating, over-prescribing the content of how-to-vote cards and the content of political material.

The Hon. M. PARNELL: I want to start my contribution by referring to something that the Hon. Stephen Wade said in his contribution. He made the observation that at the last election in two-thirds of the seats the Green party did not lodge a how-to-vote card with the Electoral Commission under section 66 of the Electoral Act—and that is exactly right. However, it would be very unfair for people to think that that failure to lodge those how-to-vote cards was somehow born out of inadvertence or a lack of caring about the democratic process. It was simply because we were not allowed to, given the type of how-to-vote card that we wanted to present to voters.

What I mean by that is that in those seats—and from memory it was some 30 of the 47 seats (or even a bit more than that)—the how-to-vote card that Green volunteers were handing out at polling booths basically said, 'Vote 1 Green and then number the rest as you see fit. Use your own judgement. You decide where to put your preferences.' In that regard, I do agree with the Hon. Stephen Wade when he said it should all be about the voters.

Our view, and an approach that we often take in seats, is that if it is all about the voters then we do need to trust them to make their own decisions. That is what we did in the bulk of lower house seats in the last election. The reason that the poster that appeared in each voting compartment had a blank notation that said, 'The Greens did not lodge a how-to-vote card'—where someone would expect to see the Green how-to-vote card—is because of a provision of the regulations which prohibits the Electoral Commissioner from publishing a how-to-vote card that has anything on it other than a complete numbering of all the candidates in order. In other words, the commissioner was bound not to publish that particular how-to-vote card that we were using.

We were, it is probably fair to say, upset at how it all transpired because the impression that some voters would have had was just wrong, especially if they were perhaps at a small polling booth where there was not a herd of people out the front handing things out and maybe the only information they had was what they saw in the polling compartment that said the Greens did not have a how-to-vote card. I will not debate it at any length now because we get to it later as an issue but I just make the point that that is why.

When we come to the Liberal amendments, effectively the choice that we have between us, in terms of the government amendments on the one hand and the Liberal amendments on the other, is whether the extent of regulation should involve itself just in what I call 'the look and the feel of the card' or should go to the content of the card.

The government's amendments focus on look and feel because that was the problem that was identified back in 2010, that people were confused by colour and they were confused by some

of the language. It was not so much to do with the actual numbers and the order of preferences; they were confused by the words Put Your Family First and they were confused by the colour. The government amendment seek to redress that wrong. It seeks to make it more difficult to pass off your how-to-vote card for that belonging to someone else. The Liberal amendments, on the other hand, seek to lock in the actual numbers on the how-to-vote cards some period in advance of polling day.

We have had two suggestions made: the Hon. Stephen Wade referred to it being locked in eight days prior, and the minister referred to it being locked in earlier than that (I cannot remember whether it was weeks or months). That might be something that the Hon. Stephen Wade might want to address because it seems to me that we have pre-polling more than eight days before an election, so I need to know whether there is an issue around that. Certainly, that seems to be the choice we are facing: should we lock in numbers, or is it really just the look, the feel and the style that we should be regulating?

Much has been said of the implied right, under the Australian constitution, to free political communication. I think that is an issue in this debate. My feeling is that when we talk about the right to communicate it probably has more to do with content than colour and style, and therefore I think the Liberal amendments are more likely to infringe that right of political communication than the government's amendments do. So I think that is an issue.

There are two other issues that concern me; the first is, as the Hon. Bernard Finnigan referred to, the implications on Independents or small party candidates who may well turn up on polling day with some photocopied how-to-vote cards and be told that they cannot hand them out because they have not fulfilled a requirement for advance pre-lodgement. I think that is a concern.

The other concern I have is that under the Liberal regime, once you have locked in the numbers, the order of preference on a how-to-vote card, you are thereafter prevented from changing that. In other words, on election day you cannot hand out a how-to-vote card that has a different order than the one you have pre-lodged with the Electoral Commission.

Whilst at a practical level I think most parties and candidates do not tend to change their order late in the piece, it is not that difficult to imagine circumstances where you might want to. I can think of three examples that could arise in the last week of a campaign. One is where someone you were preferencing says something in that last week that you strongly disagree with, and you regret that you decided to put them second and now decide that you want to put them last. That would be one scenario.

Another one would be where a candidate you were going to put last convinced you, in the last week, that they actually had such brilliant and most excellent policies that you now really wanted to put them on second. You would be precluded from doing that. I guess a third situation would be when information comes out about a candidate that you did not know about, perhaps no-one knew about, whether it is something in the criminal realm or some dubious personal conduct. Who knows what it might be, but something—

The Hon. G.E. Gago: Organisations that they might be members of.

The Hon. M. PARNELL: As the minister says, it might turn out that they are a member of some illegal or undesirable organisation. If this information comes out late in the piece, you would be precluded from changing your how-to-vote card and handing out something different.

I know that much is often made of the Pauline Hanson situation. Time has dulled my memory, but my understanding is that she was endorsed by the Liberal Party and that there was some difficulty in effectively unendorsing her. I think they might have been able to change how-to-vote cards at the last minute but—

The Hon. B.V. Finnigan: They couldn't change candidates.

The Hon. M. PARNELL: They could not change candidates, as the Hon. Bernard Finnigan says. While it might seem very neat, on paper, to lock people in to a preference order at an early stage, there are enough situations that could arise where that would lead to a very unjust situation, where, in a democracy, people are not allowed to use the latest information to make an up-to-date choice about what recommendations they want to make to their supporters about preferences.

The Greens have always been more inclined to support the government position, which is one of focusing on the problems of the 2010 election, rather than the more expansive system that

the Liberal Party has now put forward of a higher level of regulation. I am happy to hear from the Hon. Stephen Wade, if he has any response to that question, why last-minute changes should be denied, because that appears to be the intent of the Liberal amendments.

The Hon. S.G. WADE: In addressing both the comments of the minister and of the Hon Mark Parnell, I want to highlight this furphy of inflexibility. The fact of the matter is that we already have inflexibility. Under sections 63 and 66, it provides that, within three or four days of a nomination closing, you have to register your registered voting ticket and, under the registered voting ticket, which determines the voting allocation of those electors who put 1 in the box, that cannot be changed.

You go into election day, and the scrutineers will be applying it that night, no matter what change of heart your party might have had. At the last election, it is my recollection that those sets of registered voting tickets determined 36,000 votes. So, if the government was so concerned about inflexibility, it would be thinking about it there. Also, what about section 66, the voting tickets in the compartment? The Hon. Mark Parnell and the government are not suggesting that the party should be able to whip into the voting compartment and change the voting ticket inside the booth.

Of course, there will be late developments, but these provisions focus on material that is presented as a how-to-vote card. The definition before you says '"how-to-vote card" means a card, in the form of a ballot paper, indicating the manner in which a vote should be recorded by a voter'. It is certainly the intention of the opposition that political messages could be sent by matter of material that is not in the form of a ballot paper. That material, of course, is less misleading than a how-to-vote card because it requires people to read it to get the message.

The problem with the Hon. Dennis Hood's electors at the 2010 election was that, as they were rushing into this polling booth, rushing past the phalanx of how-to-vote card distributors that political parties throw on them, particularly in marginal seats, frustrated about the queue they were experiencing in the polling booth, they just wanted to get in and get out.

They see a card that has 'Family First One' on it; they do not read the fine print at the bottom, which says 'Michael Brown'. They do not realise, 'Of course, Michael Brown is the state secretary of the Labor Party; this must be a Labor Party card.' The fact of the matter is that, if something is presented as a how-to-vote card, it is particularly potent. That is what we are targeting—we are targeting fake how-to-vote cards. That is what this all about.

If I can save the minister the need to address this issue, my understanding is that the substantially similar provisions of both the government and the opposition relate to substantially similar between different cards of the same party. They do not relate to whether or not the cards are similar to that of any other party.

In relation to the comments of the Hon. Mark Parnell, I vigorously dispute the suggestion that the only difference between us and them is consistency. I remind honourable members that we are committed to public disclosure; the government is not. We are committed to a maximum of one how-to-vote card per party; the government is not. We are trying to facilitate the practice of open tickets, and I pay tribute to the Greens as being pioneers of open tickets. If the Democrats were pioneers of split tickets, the Greens are pioneers of open tickets. May a thousand flowers grow so that more minor parties might give us more electoral innovations.

We are not trying to stifle political debate. What we are trying to do is to provide a bit of integrity. The Labor Party fails to appreciate the damage that it did not only to its own credibility but to the public's confidence in the electoral system by its behaviour the last time. I agree with the Hon. Bernard Finnigan, I did use the word 'robust', but I am more than happy to use some of the descriptors he used in terms of it being very rigorous. We are happy as a party to submit to the rigor of our own regime. This legislation does not say that Labor Party how-to-vote cards cannot be dodgy. This says that all how-to-vote cards cannot be dodgy, and we believe the community expects nothing less.

The Hon. D.G.E. HOOD: We are still talking about the Hon. Mr Wade's amendment, of course, and I do not intend to make a long contribution, but there are a few points that need to be made. I made quite an extensive second reading speech, which I refer members to, to give the sort of detail of Family First's view on this particular bill, but the bottom line for us on this bill, in particular, as I said in some detail in my second reading contribution, is that it just does not go far enough, that it does leave the door open for substantially the same thing that happened in the 2010 election to happen again, and from Family First's perspective that is just not good enough.

The Hon. Mr Wade's amendments address those issues to our satisfaction and in such a way that I cannot see how the events of 2010 on state election day can be repeated. That is, after all, the objective of this bill. If members care to cast their mind back they will remember that the then premier, Mike Rann, to his credit actually said publicly that what happened on election day in his words—as I recall and I think I have got this quote right—was 'wrong'.

I think we would all agree that it was wrong, and what we need to do is pass a bill through this chamber and, indeed, through this parliament that does not allow the same thing to happen again. Unfortunately the bill the government has presented will allow substantially the same thing to happen again as it happened in 2010. We will not be part of that.

We have heard a little bit today about the amendments that the Hon. Mr Wade is proposing, and particularly the one we are speaking of now, curtailing the potential for freedom of speech or political expression, as it was put. I think there is some truth in that. It does place some limit on what can and cannot be done, that is the intention of the amendment after all, but it is only appropriate to curtail expression or speech of any form when that is abused. Of course, we must remember we are here today because that freedom was abused in 2010, so Family First supports the amendment.

The Hon. M. PARNELL: I appreciate the contributions to date. This is a complex and important issue. The Hon. Stephen Wade has been talking about his desire for consistency between what are effectively three different how-to-vote cards that have three different purposes. Just so members are very clear, when we are talking about section 63 how-to-votes, that is effectively what they call the restorative ticket. If someone erroneously on polling day votes No. 1 for your candidate, that is the ticket that actually validates their vote. In other words, what the parties and the candidates say to the Electoral Commission is, 'Look, if someone has just put No. 1, this is what they meant,' and the rest of the numbers are then provided and the vote becomes a valid vote, so they are section 63s.

The section 66s we have talked about is the poster that is inside each voting compartment and currently it does not have to be the same as the section 63. In fact, candidates would nearly always lodge a section 63 but, as I have said before, we have not had the ability to lodge section 66 because of the regulations. The third how-to-vote card is the one that you hand out outside the polling booth.

The difficulty of having them all consistent would arise in the examples that we gave before: where information arises, you find something out about a candidate or a late change of heart. The Hon. Stephen Wade said it does not stop you telling your voters that you have had a change of heart and you need to do something different, but it means that, if you are going to have the Liberal's consistency model, the how-to-vote volunteers (the people you have at the polling booth) would have to effectively hand a letter to each voter which says, 'Look, when you get into that compartment you will see that we are recommending to vote No. 2 for this party. We have now had a change of heart because we have found out some things that mean that we no longer want you to do that. We actually want you to put that person last.'

What the Liberal amendment prevents us from doing in that situation is actually handing out a new how-to-vote card which says, 'This is now what we want you to do.' If voters line up the one they have in their hand and the one that is on the poster, they might see that they are different and that might confuse them—well, so what? At the end of the day, what we are talking about is the ability for the most up-to-date information that is relevant to the people who are handing out to be presented to voters.

I am not convinced that having this absolute consistency locked in well in advance actually serves our democracy that well. I appreciate what the Hon. Dennis Hood is saying. He sees that there may well be other loopholes that could be achieved. The government's bill does fix the loophole that was identified back in 2010 by insisting that you do not pass off something that is of your creation pretending that it is somebody else's. I think we have fixed that problem. I think the Liberal proposal goes too far and creates a whole lot of additional problems which lead to a less democratic outcome and it leads to people not being able to tell voters the most up-to-date information. The Greens will not be supporting these amendments.

The CHAIR: The Hon. Mr Wade, before I call you, my understanding is that people who hand out how-to-vote cards are not able to solicit votes anyway.

The Hon. S.G. WADE: I would like to highlight the fact that the Hon. Mark Parnell is, as I mentioned before, trying to put forward a very simplistic contrast—the government without

consistency, the opposition with consistency—and, therefore, he is going to vote against the opposition's amendment. I think the Greens need to be more honest about this. If the opposition amendment has valuable attributes that should be explored, then it should be voted for. If there are issues that they have particular issues with and they require further work, that is often what this council does. So let me remind you of the benefits above and beyond consistency in our proposal.

The government's proposal does not have public disclosure. We are requiring a maximum of one how-to-vote card per candidate before the election. With the government's model, all the parties and candidates could flood the Electoral Commission with hundreds of how-to-vote cards two days before the election and goodness knows what is going to turn up on polling day. Again, the Greens year after year have advocated the benefits of open tickets—but no, we don't want to worry about that, we are really concerned about consistency!

Let me talk about consistency. In my view, the risk of electors being misled comes up every election. We have two in the next 12 months and we have teams of political hacks out there trying to think of the best strategy to win the next election. We know, from the Labor Party at the most recent election and from other political parties including my own over years past, that they will do things that the public does not find acceptable. I think the risk of skulduggery comes up at every seat in every state in every national election every time.

As to these late breaking news stories, shock horror policies, I spoke to the State Director of the Liberal Party. He said that in his three decades of service, he has never been in a position where he has needed to change his preference order. If our state director does not need to face that risk within three decades, then I am willing to accept—and my party is willing to accept—the constraints of this regime so that at every booth in every seat throughout this state electors do not have to run the risk of more skulduggery.

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

AYES (10)

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

NOES (9)

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

PAIRS (2)

Lucas, R.I.	Zollo, C.

Majority of 1 for the ayes.

Amendment thus carried; clause as amended passed.

Clause 5.

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

Page 3, line 15 [clause 5(2), inserted subsection (6a)]—Delete 'of 5 years' and substitute:

> expiring 1 year after polling day of the general election second occurring after the person's appointment under this section

The amendment proposes to remove the 10-year limit on the term of appointment of the deputy commissioner as proposed by the bill. The amendment would allow for the deputy commissioner to be appointed for up to eight years, with the term of appointment expiring one year after a scheduled general election.

The primary purpose of the amendment and the following consequential amendment is to reduce the risk of partisan political influence on electoral officials. As we approach an election, the

temperature rises. If an electoral official's contract is up for renewal near the end of a parliamentary term, the opposition's view is that there is an increased risk of at least the perception of political influence on that official. In our view that risk is reduced by putting the appointment as near as is possible to the start of the parliamentary term. We propose to do that in the case of the deputy commissioner by specifying that a deputy commissioner's contract should expire one year after a general election. This part of the electoral cycle is least likely to interfere with the management of the commission, and making the appointment at this time would reduce the risk of undue pressure being applied to the deputy commissioner or the perception of same.

The amendment allows for eight-year terms in any single contract. There are two possible expiry dates to the deputy commissioner's contract, one being the date one year following the election subsequent to the appointment, and the other being one year following the second election after the appointment. The bill as it stands proposes that the maximum term of employment of the deputy commissioner should be five years, renewable up to a maximum of 10 consecutive years. Our view is that after 10 years, if a person is operating effectively in the role, why should they not be able to be reappointed. The impartiality of the deputy commissioner is not enhanced by having a specified upper time limit to the length of appointment.

I note that no other state has a limit on the number of years a deputy commissioner can serve. In order to enhance the independence of the deputy commissioner, and thereby the commission, I urge members to support the amendment.

The Hon. G.E. GAGO: The government opposes this amendment. The bill seeks to limit the term of the deputy commissioner; this amendment lengthens the limitation from five years essentially to eight years. A subsequent amendment deals with reappointment. The government recognises the importance of longer-term appointments from a perspective of stability and consistency in long-term planning on electoral matters. However, this is provided for in the current tenure of the Electoral Commissioner.

In modifying the deputy commissioner's term and retaining the current appointment arrangements for the commissioner, the bill strikes a good balance. The appointment of the deputy commissioner for a term of five years fits with standard practice for senior Public Service appointments. Further, while some interstate legislation allows for the flexibility of appointing the commissioner for up to nine or 10 years, in practice five years has been the standard term of appointments.

The Hon. S.G. WADE: I think the minister's contribution is flawed. There is no other state that has limits on the deputy commissioner's appointment. The fact that it is practice to be five years is merely an interesting fact. In terms of continuity, she says that with the commissioner being appointed on a longer-term basis, I think up to the age of 65, therefore that is continuity, so we do not need it at the deputy commissioner level. That makes no allowance for particular teams that form over time. It may well be that the person who is the anchor, if you like, the person with the corporate knowledge, the person from whom you want to have continuity, may be the deputy commissioner. It may be more appropriate to look for your Electoral Commissioner to provide leadership for a period and move on, and for the deputy commissioner to be the anchor. To say that at least one can be there for a long time is hardly reassuring.

I urge the council to see the wisdom of protecting the impartiality of the commissioner through the mechanism we have placed, and it certainly does not entrench a person to a life appointment. The government is entitled to give them four-year terms. If the government wants freshness in the deputy commissioner role, they can give them a series of short-term contracts. This means that we make sure that the timing of those appointments is not in a way that could undermine impartiality and in that context support public confidence in the electoral system, but also not to put arbitrary time limits on people's service. If they are doing well, let them compete for their role and be reappointed. If they do not, somebody else will get the role.

The Hon. K.L. VINCENT: I indicate very briefly that Dignity for Disability will support this amendment. It is my understanding that this is a recommendation from our parliamentary library's very own Jenni Newton-Farrelly, and she has obviously been doing some very in-depth and worthwhile research into electoral matters, and I think her review should be taken very seriously. For that reason we will support this amendment.

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

The Hon. M. PARNELL: In order to avoid unnecessary divisions, I think it is probably fair to say that, because our democracy is fairly sophisticated, we often take positions like this for

granted. We do not worry too much about electoral fraud being sheeted home to the officials because we have been blessed by having fairly uncorrupted electoral officials for a very long time.

I note that the Hon. Stephen Wade's amendment is designed to put some distance between the next election and the reappointment of that person as deputy commissioner. I also note that the Electoral Commission does not just do state elections. They are also responsible for trade union elections and there is a whole manner of other elections that they are responsible for, for which this particular time frame is completely irrelevant. But it is probably fair to say that the single biggest job that they have is dealing with the state election.

The Greens are a little bit ambivalent. We can see that there is not a whole lot that hangs on this but, on balance, we are inclined to support the amendment.

The Hon. S.G. WADE: In response to the Hon. Mark Parnell's points I would make two points. First, the minister to whom the Deputy Electoral Commissioner and Electoral Commissioner are responsible is a person who is elected in this electoral cycle, so it is much more likely they will be influenced.

I must say that I aspire to the sense of hope and decency that the honourable member has clearly found in governments. I find myself increasingly cynical. I thought I was on the same page as the honourable member when we were wanting to put extra transparency into the Residential Tenancies Tribunal appointments. Personally, I think deputy electoral commissioners are a lot riskier than Residential Tenancies Tribunal members.

Amendment carried.

The CHAIR: The Hon. Mr Wade has a second amendment to clause 5, [Wade-1] 2.

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

Page 3, lines 18 to 20 [clause 5(2), inserted subsection (6b)]—Delete subsection (6b)

I regard this as consequential.

Amendment carried; clause as amended passed.

Clauses 6 to 13 passed.

New clause 13A.

The Hon. S.G. WADE: I would like to insert a new clause and, in doing so, I move [Wade-1] 3:

Page 6, after line 29—Insert:

13A—Amendment of section 47—Issue of writ

Section 47—after subsection (2) insert:

(2a) In the case of a general election for the House of Assembly, the writ or writs for the elections in all House of Assembly districts must be issued 35 days before the date fixed for the polling in each district under section 48.

This amendment proposes to fix the date for issuing of the writs to be 35 days from election day. In January this year, Prime Minister Julia Gillard announced not only the date of the federal election but also the date on which she would visit the Governor for the issuing of the writs. She did this eight months out from the election in spite of the fact that the commonwealth parliament does not have fixed terms. Similarly, in 2010, former premier Mike Rann gave advance notice of when the writs would be issued. That is former premier Mike Rann of the Labor government.

Both examples provide a clarity for the public and political parties about when the formal election campaign would commence. They also provide clarity to the Electoral Commission so that the commission can undertake forward planning, reducing the cost and increasing the effectiveness of electoral administration. In a state that has fixed terms we know exactly when the election day will be. Under section 28 of the Constitution Act the Governor must issue writs so that the general election is held on the third Sunday in March, in the fourth calendar year after the calendar year in which the last general election was held. It is set in stone.

There is no reason in our view why we should not also know exactly when the election period will commence. The minimum time possible for an election is 27 days, and the maximum is 54 days. Elections are first and foremost about democratic choice and the opportunity for citizens to exercise their vote. Clarifying the time allocated to conducting this vote so that voters can

exercise their choice in an orderly fashion supports the fairness and integrity of the electoral process for all players. One part of this fairness is to ensure that the opportunity to vote is maximised.

In her report on the 2010 election the Electoral Commissioner recommended that the Electoral Act be amended to increase the period of time between close of nominations on polling day. I will quote her recommendation 2:

> With continuing increases in electors voting by post creating logistical challenges to the postal service, particularly through regional South Australia, consideration should be given to extending the period between the close of nominations and the polling day to protect the voter franchise.

The election timetable is so cluttered with the various processes that the only feasible way to extend the time period between the close of nominations and the election day is to extend the election period itself. The opposition would, therefore, submit that the Electoral Commissioner's recommendation is that the whole election period be extended.

The constraints of the time frame were a factor in the problems arising around the issuing of postal votes at the 2010 election. To be issued with a postal vote a person must first receive an application for a postal vote, complete it, send it and then await confirmation of their eligibility before receiving their ballot papers. Running an election at minimum time frames or with minimal notice makes the organisation of the election and the issuing of such applications much more difficult.

In 2010 when these problems occurred we had a four-week campaign. The campaign was close to the shortest time possible and, as a result, only left small pockets of time available for each step along the way. In its submission to the Legislative Council the Select Committee on Matters Related to the General Election of 20 March 2010, the Liberal Party suggested that, 'There are structural problems in the electoral timetable in that the timing of the issuing of the writs may not allow enough time for postal votes to be sent out and returned by people living in, travelling through or working in some areas.' The select committee as a whole, a cross-party committee, recommended without dissent in recommendation 8 that the date of the issuing of the writ be fixed to facilitate planning for postal votes.

This amendment proposes to fix that time frame to 35 days so that there is sufficient time for voters to make arrangements for the casting of their vote, whether in person or by post. I would stress that this is not just about fixing the date of the issuing of the writs, it is fixing the date of the issuing of the writs with sufficient time available to facilitate the electoral administration, particularly the electoral administration of postal votes.

This amendment would provide more time and more clarity for efficient electoral administration and more fairness for candidates and parties. The amendment will end the political manoeuvres over the commencement of the formal campaign and put the rightful emphasis back on those for whom the election is about—voters—and maximising the opportunity to vote.

The government has filed an alternative date for the fixing of the issuing of the writs. I presume, therefore, that the government will be supporting my amendment but seeking to amend it. If I could anticipate it by referring to the fact that the government, as I understand it, is going to argue that the fixing of the date of the 30 days is better because it minimises the time spent in caretaker government. Its suggestion is that it would be of great concern for the government to have five less days to sign off ongoing projects.

I make the point there that from the day that a government is elected—for example, whichever government is elected on 15 March next year—from the day after, it knows exactly when the next election will be, it knows exactly the time frame within which it needs to manage all of its projects, its tender requirements and its signing of documents; it would not be surprised about those last five days suddenly coming upon it. If the caretaker issues are raised, I would suggest to the committee that they are a furphy. Whilst I am sure most Australians would like to see this government enter caretaker mode sooner rather than later, perhaps we need to consider this in the broader context of the time line that will last over future elections. As I previously said, setting the date at 35 days from the election ensures there is enough time to receive postal votes back from the commissioner.

I remind the committee again that recommendation 2 of the Electoral Commissioner and recommendation 8 of the select committee were talking about time frames, particularly with a focus on postal votes. Whether or not there is any change made to the postal vote application process, the postal vote process itself, even if they are being issued to people on the registered list, takes

time. The Electoral Commissioner told us that her commission needs time. The commissioner made it quite clear that a 28 day period from the issuing of the writs made this turnaround time extremely tight and jeopardised votes being received.

The government is saying, 'Don't worry, two extra days will fix it,' but we do not think two extra days is enough. We urge the committee to look to a 35 day period. It is also our view that that is respectful of the volunteers who are involved in the process. Is all very well and good for the Labor Party—which, as John Button would put it, is fishing in a shallower and shallower gene pool—to rely on union officials who are willing to do the first day of the election campaign tasks on flexitime on a Thursday night and a Friday morning, but most other parties have to rely on volunteers. That is why our proposal sees the launch of the campaign being on a weekend. I urge members, in respect of having sufficient time for the orderly conduct of an election, to support the amendment I have moved.

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

Amendment to Amendment No. 3 [Wade 1]—

Clause 13A, inserted subsection (2a)—delete '35 days' and substitute '30 days'

This amendment deletes 35 days and substitutes 30 days, so it is five days less than what is being proposed by the Hon. Stephen Wade's amendment.

It is clear to the government that the general public wants brief campaigns. The government is also concerned about caretaker provisions, that those provisions being proposed by the Hon. Stephen Wade may be longer than they need to be. We believe that with 30 days we have the balance right; it is an appropriate length of time to set the issue of the writs prior to the set election date.

As I am sure honourable members are aware, there are sometimes matters outside of the government's control—particularly in relation to things like COAG, for instance—where a minimum period in caretaker mode is preferred because caretaker mode, if you like, paralyses the ability to do a great deal of work. So it is about getting the balance right between inactivity and allowing the election to proceed, and the government prefers 30 days to 35.

The Hon. S.G. WADE: This is just a 30-second postscript, so that people cannot be spooked by COAG. Within the caretaker conventions it is always possible for the government to seek the agreement of the opposition to any matter that comes up during the caretaker period, and I can assure the minister that the opposition will be available next March for those five days if something does come up.

The Hon. M. PARNELL: The advantage of both these amendments over the status quo is that for the first time we will know, in advance, the date on which we can have volunteers putting up Stobie pole posters, the date by which nominations need to be lodged, and when preference cards need to be lodged. Either of these options provides that level of certainty; in fact, it removes the one remaining element of surprise that has been hung onto by the government since the advent of fixed-term elections. Both these amendments do level the playing field and remove from the government of the day any element of surprise.

Whilst the Greens support the principle, the question before us is whether it should be 30 days or 35 days. Various arguments have been put in relation to COAG or the caretaker period, but the one that persuades the Greens more than anything else is that issue of the length of the campaign period. When you have fixed-term elections, we know that the campaign period is, in fact, a lot longer than the formal position after the issue of the writs. We think that, on the whole, the public prefer shorter, rather than longer, campaign periods, so we will be supporting the 30-day option.

The Hon. D.G.E. HOOD: To be frank, it matters not to Family First whether we lengthen at all the period currently available, the status quo, which is 28 days to either 30 or 35, but it matters a lot whether it is 30 or 35 days because, at the moment, with the 28-day requirement, it ensures that the issuing will be on a Saturday, which has been the tradition for some time and which is suitable, I think, for parties that rely on volunteers to put up the corflutes and do the other activities that are required. For that reason, it is not acceptable to us that that occur on a Thursday, which would be the case if the 30-day limit were enacted. For that reason, we support the Liberal amendment and the 35-day period.

The Hon. K.L. VINCENT: I indicate that I also will be supporting the Liberal amendment.

The Hon. G.E. Gago's amendment negatived; new clause inserted.

Clause 14 passed.

New clauses 14A and 14B.

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

Page 6, after line 37—Insert:

14A—Amendment of section 66—Preparation of certain electoral material

Section 66(2)(d)—delete paragraph (d) and substitute:

(d) in the case of how-to-vote cards, must—

(i) be received by the Electoral Commissioner not later than 4 days after the day for nomination; and

(ii) comply with the requirements set out in section 66A(5) (as those requirements apply to how-to-vote cards submitted by a candidate); and

(iii) not otherwise be a card that the Electoral Commissioner must refuse to register if it were being submitted for registration under section 66A; and

14B—Insertion of section 66A

After section 66 insert:

66A—Registration of how-to-vote cards

(1) Subject to this section, any person may, within the prescribed period, submit a how-to-vote card to the Electoral Commissioner for registration under this section.

(2) A person submitting a how-to-vote card under subsection (1) must, at the time of submitting the how-to-vote card, provide—

(a) the prescribed number of copies of the how-to-vote card; and

(b) an electronic version of the how-to-vote card, in a form and format prescribed by regulation.

(3) The following provisions apply to the submission of a how-to-vote card for registration by a person, other than a how-to-vote card submitted by or on behalf of a candidate:

(a) the person must make a declaration in the prescribed form;

(b) the person must provide a copy of the written consent of the candidate to whom the card indicates the first preference should be given;

(c) the person must provide the Electoral Commissioner with any prescribed material.

(4) The Electoral Commissioner must, as soon as is reasonably practicable after a how-to-vote card is submitted under subsection (1), and in any event by no later than 5 p.m. on the day on which the prescribed period ends, register the how-to-vote card unless the Electoral Commissioner is satisfied that—

(a) the how-to-vote card does not comply with the requirements in—

(i) section 66(2) (other than the requirement in section 66(2)(d)(i)); and

(ii) subsection (5); or

(b) the how-to-vote card is a card that may not be submitted in accordance with subsection (7).

(5) The following requirements apply for the purposes of subsection (4)(a)(ii):

(a) the how-to-vote card must clearly identify the person, political party, organisation or group on whose behalf the card is to be distributed;

(b) in the case of a card that contains a logo, emblem or insignia belonging to the person, political party, organisation or group on whose behalf the card is to be distributed—the logo, emblem or insignia must be not less than the relevant prescribed size;

(c) the how-to-vote card must indicate the manner in which it is suggested that a vote should be recorded by a voter by—

(i) being marked so as to indicate a valid vote in the manner prescribed in section 76(1) or (2); or

(ii) if the card is submitted in relation to a House of Assembly election, having printed on each card, immediately before the surname of the candidate to whom the how-to-vote card relates, a figure '1' surrounded by a square together with a statement to the effect that the elector must express a preference for all other candidates as the elector sees fit;

(d) in the case of a how-to-vote card submitted by or on behalf of a candidate—

(i) the how-to-vote card must indicate that the first preference vote should be given to the candidate; and

(ii) if a voting ticket has, or 2 voting tickets have, been lodged under section 63 by or on behalf of the candidate and the how-to-vote card is of a kind referred to in paragraph (c)(i), the order or orders of the remaining preferences indicated on the how-to-vote card must be consistent with the order or orders of preferences set out on—

(A) that voting ticket; or

(B) 1 of the 2 voting tickets; or

(C) in the case of a split how-to-vote card—both of the 2 voting tickets,

(as the case requires); and

(iii) subject to subsection (6), if a how-to-vote card has been submitted for inclusion in posters under section 66 (the *initial submitted how-to-vote card*) by or on behalf of the candidate, the how-to-vote card must have substantially the same appearance as the initial submitted how-to-vote card;

(e) the how-to-vote card must not—

(i) be likely to induce an elector to mark the vote of the elector otherwise than in accordance with the directions on the ballot-paper; or

(ii) contain offensive or obscene material;

(f) the how-to-vote card must contain the endorsement 'Registered by the Electoral Commission of South Australia' at the bottom of the card.

(6) Despite subsection (5)(d)(iii)—

(a) if an initial submitted how-to-vote card in relation to a candidate is of a kind referred to in subsection (5)(c)(i), a how-to-vote card submitted for registration by or on behalf of the candidate under this section may suggest that a vote should be recorded by a voter in the manner described in subsection (5)(c)(ii); or

(b) if an initial submitted how-to-vote card in relation to a candidate is of a kind referred to in subsection (5)(c)(ii), a how-to-vote card submitted for registration by or on behalf of the candidate under this section may suggest that the voter indicate all preferences in accordance with subsection (5)(c)(i); or

(c) if an initial submitted how-to-vote card in relation to a candidate is a split how-to-vote card, a how-to-vote card submitted for registration by or on behalf of the candidate under this section may suggest that a vote should be recorded by a voter in accordance with either of the 2 alternative orders of preferences indicated in the 2 voting tickets; or

(d) if an initial submitted how-to-vote card in relation to a candidate is not a split how-to-vote card, a how-to-vote card submitted for registration by or on behalf of the candidate under this section may be a split a how-to-vote card,

(but the how-to-vote card submitted for registration must otherwise have substantially the same appearance as the initial submitted how-to-vote card).

(7) If a how-to-vote card is—

(a) submitted for registration—

(i) by or on behalf of any candidate or candidates; or

(ii) by a person; and

(b) registered under this section,

no further how-to-vote card may be submitted for registration under this section—

(c) by or on behalf of that candidate or any of those candidates; or

(d) by that person,

(as the case may be).

(8) As soon as is reasonably practicable after registering a how-to-vote card under this section, and in any event by no later than 5 p.m. on the day on which the prescribed period ends, the Electoral Commissioner must—

(a) make a copy of the card available for inspection at the office of the Electoral Commission; and

(b) publish a copy of the card on a website maintained by the Electoral Commissioner.

(9) For the purposes of this section, how-to-vote cards will be taken to have *substantially the same appearance* if the cards are identical except for—

(a) the size or shape of the cards; or

(b) the fonts used in the cards; or

(c) the material or medium on which the cards are printed or published; or

(d) any other matter prescribed by the regulations for the purposes of this subsection.

(10) In this section—

prescribed period, in relation to an election, means the period commencing on the day after the day fixed for the nomination and ending at noon on the 8th calendar day before polling day for the election (regardless of whether that day is a public holiday);

split how-to-vote card, in relation to a how-to-vote card submitted by or on behalf of a candidate in respect of whom 2 voting tickets have been lodged under section 63, means a how-to-vote card that suggests that a vote should be recorded by a voter in accordance with either of the 2 alternative orders of preferences indicated in the 2 voting tickets (by setting out on the 1 card both of those 2 orders in 2 representations of the ballot paper to which the card relates).

Note—

Section 112A provides for an offence of distributing, during the election period for an election, a how-to-vote card that has not been registered under this section, or submitted for inclusion in posters under section 66.

My understanding is that this is consequential on [Wade-3] 1 or [Wade-5] 1, depending on which one you are looking at.

The Hon. M. PARNELL: I had filed under [Parnell-2] 2 a 14A and a 14B. My 14A relates to Robson rotation; that is consequential and I will not be moving that because we have dealt with that question. My 14B relates to the ability to include open tickets in the poster under section 66 of the Electoral Act. That matter has been covered by the Liberal amendment, so I do not think I need to move that amendment as well, but I understood that the minister might have had some comments to make about the problem I had identified as well.

The Hon. G.E. GAGO: I am happy to make some comments on the matter that the Hon. Mark Parnell raises, even though he is not pursuing his amendment. Currently, I am advised, regulation 9(1)(a)(iv)(F) provides that in the case of a House of Assembly election the posters must include, immediately before the surname of all candidates contesting a House of Assembly election, figures surrounded by a square indicating the order of preference the candidate recommends for each candidate.

While the government is concerned to maintain the maximum possible enfranchisement on election day, we recognise what the Hon. Mark Parnell was seeking to achieve. Our concern was that someone failing to read the instructions completely will cast a vote seemingly in line with the instructions provided and end up with the ballot cast being deemed informal or not counted. So, we have discussed the Hon. Mark Parnell's proposed amendment that he is not proceeding with, and what he is seeking to achieve, and the government believes that any change to allow an open ticket to be distributed should be set by regulation for consistency with existing provisions regarding the Legislative Council. As such, the government has provided a draft regulation for the Hon. Mr Parnell's consideration and this undertaking to address the matter through regulation makes this amendment redundant, hence we are not proceeding with it.

The CHAIR: I understand that honourable members want to make contributions but we are now making contributions to amendments and clauses that do not exist. The Hon. Mr Parnell, I will indulge you briefly.

The Hon. M. PARNELL: Yes, very briefly. I thank the minister for her contribution. Whilst we are dealing with this bill on the run, I think the issue may well have been resolved. I take from what the minister said that if it turns out that there are still some unintended consequences, the minister's commitment is to have a look at the regulations and check that it does achieve what the minister said which was to enable open tickets to be included, provided they have sufficient direction. But if it is already completely covered and I am barking up the wrong tree, I am happy to be told.

The Hon. S.G. WADE: While the minister is taking advice—

The CHAIR: Hang on a second, Hon. Mr Wade. We are now seeking information on amendments that have not been moved and waiting for a response from the minister.

The Hon. G.E. GAGO: I have been advised that the matter has been dealt with in one of the Hon. Stephen Wade's amendments and, therefore, we believe it is unnecessary to have to address that in regulations.

The Hon. S.G. WADE: I simply make the point that in spite of my teasing remarks to the honourable member, I do not think it is unhelpful to have these things put on the record. We often have dialogue between the houses. This sort of information can inform that dialogue.

New clauses inserted.

Clause 15 passed.

Progress reported; committee to sit again.

LEGAL PRACTITIONERS (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 15 May 2013.)

The Hon. S.G. WADE (17:35): I would like to continue the remarks I was making earlier this week in relation to the Legal Practitioners (Miscellaneous) Amendment Bill. I would now like to address the issue of the guarantee fund. The reform of the guarantee fund was one of the most contentious aspects, if not the most contentious aspect, of the Legal Profession Bill 2007. The Liberal opposition's consultation on this bill has again shown that this continues to be a contentious area. Of course, that concern has been particularly focused on the Magarey Farlam defalcation.

The guarantee fund receives income from two sources: interest from trust accounts and the practising certificate fees paid annually by lawyers. Currently, funds are allocated to meet claims for defalcation to provide legal aid through the Legal Services Commission and to maintain the legal profession regulatory regime. The reserves of the fund are capped, in that excess funds as determined by statutory formula are transferred to the Legal Services Commission. The bill proposes that the guarantee fund be renamed the 'fidelity fund' and that the outgoings be expanded to cover the expenses of the board of examiners, the Legal Practitioners Disciplinary Tribunal, and the honoraria for members of the legal practitioners education and admissions committee.

Nationally, three jurisdictions allow their respective funds to be used for regulation and three allow funds to be used for purposes such as legal aid. The bill proposes to expand the circumstances in which an individual may make a claim against the fidelity fund whilst maintaining the fund as a fund of last resort. In this respect South Australia would not be departing from the national norm, as other states maintain fidelity funds as funds of last resort.

The bill proposes to expand the entitlement to claim against the fund to include where an ordinarily prudent self-funded litigant would not take action for recovery. Further, the bill would permit the Law Society, as the administrator of the fund, to be empowered at its absolute discretion to make a recoverable advance payment to a claimant where the claimant is suffering hardship. This is similar to the provisions of the draft national model law, which proposed giving funds the discretion to pay the claimant in advance if they are satisfied that the claim is likely to be allowed and the payment is warranted to alleviate hardship.

I note that the bill's amendments will continue to prohibit claims where the loss would be covered by the professional indemnity insurance scheme. The bill does not attempt to implement the draft national model law's proposal to separate the administration of the fidelity fund from the respective law societies, in that the law provides that the 'fidelity authority must ensure that claims against the fidelity fund are determined independently, at arm's length from the legal profession'. While we are supportive of the amendments as far as they go, the Liberal opposition will continue to review the administration of the fund to ensure that it is appropriately accessible for individuals.

Our consultation on the bill revealed that many stakeholders are of the opinion that the guarantee fund lacks transparency. The Liberal opposition is concerned that the annual report to parliament only requires that the report 'state the amount of payments from the guarantee fund during the financial year and the nature of the claims in respect of which payments were made'. I note that the Law Society of South Australia's annual reports provide more detailed information on the fund; however, these annual reports are not publicly available. The Liberal opposition is of the view that, in order for the public to have confidence in the fidelity fund model, there needs to be much more transparency.

Claims and transactions need to be determined at arm's length from the Law Society. In keeping with the opposition's commitment to transparency and accountability, I will be moving amendments to the bill to ensure that the annual report to parliament contains the audited statement of accounts of the indemnity fund for the period to which the report relates. This insertion would be consistent with similar requirements in section 64 of the Land Agents Act. I look forward to further consideration of the bill in committee and support the second reading.

Debate adjourned on motion of Hon. J.S.L. Dawkins.

TAFE SA (PRESCRIBED EMPLOYEES) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 1 May 2013.)

The Hon. J.S. LEE (17:41): As the shadow parliamentary secretary for education and training, I rise today to speak on behalf of the opposition about the TAFE SA (Prescribed Employees) Amendment Bill. This bill is a consequential bill to the TAFE SA Act 2012. The member for Unley, the shadow minister for education, Mr David Pisoni in the other place, has made significant and passionate contributions outlining why the opposition will not be supporting this bill.

The opposition previously supported a TAFE SA Bill 2012, which has passed through both houses. We have also supported the Statutes Amendment and Repeal (TAFE SA Consequential Provisions) Bill 2012, which was passed in the Legislative Council with Liberal Party and Independent amendments. Sadly, the government rejected that particular bill and instead introduced this replacement bill.

The member for Unley pointed out that this bill is another attempt by the government to complete the transfer of TAFE SA from the Department of Further Education, Employment, Science and Technology to an independent statutory corporation. The TAFE SA (Consequential Provisions) Bill passed the Legislative Council in July 2012—almost 10 months ago. It has since been the subject of five deadlocked conferences. The TAFE SA (Prescribed Employees) Amendment Bill is a replacement bill. It was confirmed at the ministerial briefing on 11 April 2012 to the member for Unley, Mr David Pisoni, and myself that, without one of these bills passing the parliament, TAFE SA employees remain without official access to the Teachers Appeal Board with regard to disciplinary and industrial matters.

Let us refresh our memories at this point. The consequential provisions bill was amended by a majority of elected members of the Legislative Council who have representation for the whole state. The amendments to the Education Act 1972, moved by the Hon. Rob Lucas on behalf of the opposition and the Hon. John Darley, aimed to remove the Australian Education Union's exclusive right to appoint employee representatives to education boards and committees, such as the Teachers Registration Board, the Teachers Appeal Board, etc.

I remind honourable members in this council that the fundamental nature of these amendments did not in any way restrict union access to these appointments. It offers a more open and transparent mechanism, which is to remove the domination by the AEU. The amendments opened up positions to all members of the teaching profession, whether or not they were union members.

The amendments that were supported and passed in this council had the effect of removing the exclusive monopoly that the Australian Education Union had to appoint delegates from its own membership base to these important bodies, such as the Teachers Registration Board and the Teachers Appeal Board. It is important to emphasis that no-one is trying to stop or prevent the union or union members from having access to these positions.

The member for Unley, on behalf of the opposition, had clearly outlined that the intention is to give all teaching professions a fair go. We believe people in the wider community would see these amendments as being fair and reasonable in an open and democratic Australian society where these positions are open to all employees. It was very disappointing that the government refused to accept these amendments and enable all teaching staff the same opportunity. Time and time again, we see the Labor government responding to the pressures of the unions rather than looking after the interests of all members of the community.

The other reason for these amendments to the Education Act was to remove any discrimination against non-union members. As I understand it, in the olden days, union membership was about 75 per cent of the workforce. Today, union membership is about 17 per cent of the general workforce and about 13 per cent of the private sector workforce. With these statistics in mind, it is the responsibility of politicians not to be seen as supporting legislation here in South Australia that contains clauses that would discriminate against teachers who are doing the same job simply because they are members of a union and, in this case, those who are not in the Australian Education Union.

By introducing a replacement bill such as the TAFE SA (Prescribed Employees) Amendment Bill to parliament, the Labor government is wasting taxpayers' money and the valuable time of honourable members here. The government should have accepted the previous bill that was passed through the Legislative Council because those amendments by the opposition and the Hon. John Darley support the democratic rights of our Australian society. These amendments enable all teachers, regardless of their ranking and whether or not they belong to the union—all teachers, we are talking about—to be given the same right to nominate and vote on who they believe will be the best to represent them on such important bodies as the Teachers Registration Board and the Teachers Appeal Board.

The government previously rejected amendments to the Statutory Amendment and Repeal (TAFE SA Consequential Provisions) Bill 2012 to preserve, I believe, their unbreakable bond with the union when non-union members are being discriminated against. It is time for the government to recognise that all teachers are equal and, therefore, all teachers should be given the same opportunity and not be judged, whether they are affiliated with an organisation or not.

The Liberal Party consulted widely with stakeholders on the previous bill, to which there was no stakeholder opposition. Those same stakeholder groups, particularly in the private training sector and those affected by changes to the Education Act (such as principals and non-unionised educators), were supportive of the amendments limiting the Australian Education Union monopoly on employee, board and committee positions. They believed it was long overdue and that it would be of benefit to educational outcomes and the management of the education system here in South Australia.

As the member for Unley suggested, the Liberal Party invites the government to reintroduce its previous legislation with amendments by the majority of members of the Legislative Council and calls on the government to support basic democratic rights in the workplace. It is important to note that these amendments did not in any way restrict union access to these appointments: they merely removed their exclusive monopoly, opening up the positions to all members of the teaching profession, whether members of a union or not—fair and reasonable in anybody's mind. No-one should be given an unfair advantage. We are not getting in the way of TAFE acting as a statutory corporation. We supported that. We believe that it is important for TAFE in this more competitive environment to have choices and be free to make decisions and free to be in control of their own leaders.

On the advice of the member for Unley (the shadow member for education), we understand that the original bill passed in the Legislative Council can be reintroduced and passed in the lower house and that would enable the government to achieve what it wishes to achieve, and that is to deal with its employees through the Teachers Appeal Board and manage employees of TAFE as it intended.

In conclusion, I speak on behalf of the Liberal opposition and we will not be supporting the TAFE SA (Prescribed Employees) Amendment Bill today. We call on the minister to stop wasting the valuable time of parliament and reintroduce the original bill with our amendments.

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

MARINE SAFETY (DOMESTIC COMMERCIAL VESSEL) NATIONAL LAW (APPLICATION) BILL

Adjourned debate on second reading.

(Continued from 30 April 2013.)

The Hon. D.W. RIDGWAY (Leader of the Opposition) (17:50): I rise on behalf of the opposition to support the Marine Safety (Domestic Commercial Vessel) National Law (Application) Bill 2013. I note the purpose of the bill is to adopt a national legislative approach to the regulation of marine safety in relation to domestic commercial vessels. It will enhance the efficient operation of domestic commercial vessels by providing a uniform national law.

There are currently eight different marine safety regulatory systems involving the commonwealth, the six states and the Northern Territory that govern the operation of domestic commercial vessels here in Australia. I am sure members can understand that while, in theory, the state borders extend into a little bit of the water, vessels are free to move right around our coastline, so it does make a lot of sense to have some sort of national regulatory frame.

If the bill is passed, the national laws will commence on 1 July 2013 and apply to the existing estimated 2,000 domestic commercial vessels in South Australia and extend to the 230 crown vessels and the 50 industry vessel operations, which include rescue, research and community vessels for training and for hire. The bill will also provide people in South Australia who want to use our waterways, ports and harbours, with a better understanding of our waterways and of the national laws.

It should also be noted that the state will continue to regulate waterways, ports, harbours and moorings, as well as enforce speed limits and drug and alcohol offences. The current approvals will continue until 2016, and the state government will collect fees for services such as surveys, certificates and licences. As with all these national laws, there are some downsides, and one of these that was raised through the consultation by the opposition was the fact that there will be, potentially, extra costs regarding regulation.

People will need to be trained to obtain a coxswain certificate—$436 plus one week's training. The training will continue with existing providers, that is, TAFE in Port Lincoln and the Australian Fishing Academy in Port Adelaide. Clearly, if there is an extra requirement on some of our regional operators and the training has to be undertaken—it is a week's training; they are off work for a week, so their boss has to either pay them while they are there or give them a week's leave but pay somebody to replace them—and it is another $463 for the certificate on top of the training.

As I said, with national changes to the regulatory framework there are always some positives but, sadly, there are some negatives; the one about extra costs and burden on some of our regional operators has been a hallmark of both state and federal Labor governments. Nonetheless, the opposition does see some benefit in this national regulatory approach, so we will be supporting the bill.

Debate adjourned on motion of Hon. J.S.L. Dawkins.

PARLIAMENTARY COMMITTEES (FUNCTIONS OF ENVIRONMENT, RESOURCES AND DEVELOPMENT COMMITTEE) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 2 May 2013.)

The Hon. M. PARNELL (17:54): The Greens support this bill; it is a very short bill. The operative provision consists of only nine words. What the bill does is add to the terms of reference, if you like, for the Environment, Resources and Development Committee, a standing committee of the parliament, the following: 'any matter concerned with primary production in the state'.

It is probably fair to say that that is already a role that the committee has voluntarily adopted and already seen as being part of its terms of reference. For example, we did look at the

biosecurity levy just recently prior to that matter being sent off to the Mutton review. So I think this does make sense. In many ways it clarifies what committee members already believe to be the status quo.

However, having opened up this bill for amendment I cannot let the opportunity pass without proposing a number of far more important amendments than that proposed by the government. The main one of those is to actually make sure that the ERD Committee of parliament is able to fulfil its statutory function of parliamentary scrutiny under the Development Act by ensuring that it will not always be government controlled, and the method for achieving that objective is to make it a standing committee of the Legislative Council rather than a standing committee of the House of Assembly.

The Hon. J.S.L. Dawkins: It wasn't government controlled in the four years I was on it, I can tell you—two members out of six.

The Hon. M. PARNELL: The Hon. John Dawkins interjects that it has not always been government controlled, but certainly it has been more often than not. The point we can take from that is where in the Development Act it provides that the parliament has the ability to scrutinise rezoning exercises or development plan amendments. As members would know, in the 19-year history of that provision the parliament has never, ever rejected a development plan amendment, a rezoning exercise. The overwhelming reason for that is because whenever it does get to a vote on that committee, the chair exercises his or her casting vote and the government always wins the day.

I note that the Hon. David Ridgway has often criticised the Greens for trying to send things to this committee, and his main criticism has been that it is government controlled and we will never get decent scrutiny out of it. So in some ways this amendment puts the Hon. David Ridgway in the position of being able to vote for something he has been talking about for a very long time: that is, to fix the situation where the committee is stifled from exercising genuine parliamentary scrutiny by the fact that it is government controlled.

Members might draw a parallel with the Legislative Review Committee and say, 'Well, that's government controlled and they have the ability to disallow regulations, similar to the ERD Committee's ability to move the disallowance of a planning scheme or a development plan amendment.' The big difference—and this is an important difference—is that when it comes to the disallowance of regulations, any member of either chamber can get to his or her feet and move disallowance. However, under the Development Act it is not possible for a member of parliament to move disallowance of a planning scheme unless that disallowance has previously been passed by the Environment, Resources and Development Committee.

We do not have that ability to disallow planning schemes as we do regulations, and that is a big difference. I will have more to say about that when I actually move the amendment, but I am just letting members know that that is my intention.

The other amendment I have filed goes to the rort, as I would put it, of chauffeur-driven government cars for the chairs of committees. I draw members' attention to the fact that the government's own Sustainable Budget Commission did recommend that the number of chauffeured vehicles be reduced from 26 to 17. Where it identified those vehicles and drivers to go, on that list was 'Chairman, Environment, Resources and Development Committee'. So the government has already recommended removing that car and driver.

Let us be honest here. We are talking about the consolation prize available to the government of the day for disgruntled backbenchers who did not quite cut it for a ministerial role. Their consolation prize is a car and a driver, and it is completely unnecessary, it is completely wasteful. So I also have on file an amendment which basically says that no member of parliament is entitled to a car and driver pursuant to their membership of a committee. I have not touched the other positions, whether it be the Speaker or the Premier or whoever else. I have not touched those, but certainly the rort of chairs of committees getting a car and a driver, when they are already handsomely paid for the extra work inherent in their role as chair of a committee, let us get rid of that rort. Let us bring back the Sustainable Budget Commission's recommendation. I am just putting members on notice that that is the second of my amendments.

I will, in passing, mention that the Liberals certainly have filed an amendment, which is to create an entirely new standing committee called the natural disasters committee. I will say that the Greens' inclination at this stage—it is not a firm position—is to support the creation of a committee, but I think that what we need to do in this place is to make sure that the people who go on

committees do so because of their interest in the topic rather than their desire for extra income. So, I will be seeking to amend the Liberal's amendment by removing the provision for extra pay. By all means, let's create a new standing committee, but let's not pay them any extra. Let's have people on it who care about our response to natural disasters, and we will see how well populated that committee is with that requirement. With those brief words, the Greens will be supporting this bill.

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

STATUTES AMENDMENT (DIRECTORS' LIABILITY) BILL

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

MOTOR VEHICLE ACCIDENTS (LIFETIME SUPPORT SCHEME) BILL

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

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

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

BURIAL AND CREMATION BILL

The House of Assembly agreed to amendments Nos 1 to 6 and 8 and 9 without any amendment; disagreed to amendment No. 7; and made an alternative amendment as indicated in the following schedule in lieu thereof:

No. 7. Clause 34, page 23, lines 16 and 17 [clause 34(2)]—Delete 'of an amount determined in accordance with the regulations' and substitute:

equal to the current fee payable for an interment right of the same kind, less a reasonable fee—

(a) for administration and maintenance costs; and

(b) for costs involved in the establishment of the cemetery or natural burial ground,

determined in accordance with the regulations

At 18:00 the council adjourned until Tuesday 4 June 2013 at 14:15.